Committee of Privileges
. 98

COMMITTEE OF PRIVILEGES

(TENTH LOK SABHA)

FIRST REPORT

(Presented on 11 August, 1992)

LOK SABHA SECRETARIAT
NEW DELHI

July, 1992/Sravana, 1914 (Saka)

Price: Rs. 30.00

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PERSONNEL OF THE COMMITTEE OF PRIVILEGES*
(1992-92)

Shri Shiv Charan Mathur — *Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri P.R. Kumaramangalam
9. Dr. Debi Prosad Pal
10. Shri Uttamrao Patil
11. Shri K. Ramamurthy
12. Shri Bhagwan Shankar Rawat
13. Shri Allola Indrakaran Reddy
14. Shri Tej Narayan Singh
**15. Shri Sharad Yadav

SECRETARIAT

1. Shri C.K. Jain — *Secretary-General*
2. Shri G.L. Batra — *Additional Secretary*
3. Shri T.S. Ahluwalia — *Joint Secretary*
4. Shri S.C. Rastogi — *Under Secretary*
5. Shri V.K. Sharma — *Assistant Director*

*The Committee of Privileges was nominated by the Speaker on 25 November, 1991.
**Nominated on 16 January, 1992 *vide* Shri Md. Yunus Saleem resigned *w.e.f.* 27 November 1991.

FIRST REPORT OF THE COMMITTEE OF PRIVILEGES (TENTH LOK SABHA)

I. Introduction and Procedure

I, the Chairman of the Committee of Privileges, having been authorised by the Committee to submit the Report on their behalf, present this their First Report to the House on the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha, which was referred[1] to the Committee by the House on 12 December, 1991.

2. The Committee held 11 sittings. The relevant minutes of these sittings form part of the Report and are appended hereto.

3. At their first sitting held on 20 December, 1991, the Committee decided that in the first instance Kumari Frida Topno, MP, be requested to appear before the Committee for oral evidence on 7 January, 1992. The Committee also decided that the following officials of Orissa Government be asked to appear before the Committee for oral evidence on 8 January, 1992:—

(i) Shri R. K. Biswal, Deputy Superintendent of Police, Rourkela;
(ii) Executive Officer, Notified Area Council (Steel Township), Rourkela;
(iii) District Magistrate, Sundargarh, Orissa;
(iv) Home Secretary, Government of Orissa; and
(v) Chief Secretary, Government of Orissa.

4. At their second sitting held on 7 January, 1992, the Committee examined on oath Kumari Frida Topno, MP.

5. At their third sitting held on 8 January, 1992, the Committee examined on oath the following officials of Orissa Government:—

(i) Shri R. K. Rath, Chief Secretary, Government of Orissa;
(ii) Shri Gunanidhi Jena, Executive Officer, Notified Area Council (Steel Township), Rourkela;
(iii) Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela;
(iv) Shri Jogendra Patnaik, Officer-in-charge, Sector 7, Police Station, Rourkela;
(v) Shri S. K. Pradhan, Superintendent of Police, Rourkela;
(vi) Shri B. C. Patnaik, Home Secretary, Government of Orissa; and

1. L.S. Deb., dt. 12.12.1991

(vii) Shri P. C. Mitra, District Magistrate, Sundargarh, Orissa.

The Committee also decided to examine Shri A. C. Jena, Inspetor-in-charge, Sector 3 Police Station, Rourkela, and Shri Kalucharan Chhotray, Junior Clerk, Notified Area Council (Steel Township), Rourkela. The Committee also decided to hear the Secretary, Ministry of Home Affairs, Government of India.

6. At their fourth sitting held on 21 January, 1992, the Committee examined on oath ,Shri A. C. Jena, Inspector-in-charge, Sector 3 Police Station, Rourkela, and Shri Kalucharan Chhotray, Junior Clerk, Notified Area Council (Steel Township), Rourkela.

7. At their fifth sitting held on 13 February, 1992, the Committee examined on oath Dr. Madhav Godbole, Secretary, Ministry of Home Affairs, Government of India.

8. At their sixth sitting held on 14 February, 1992, the Committee decided to hear again Kumari Frida Topno, MP.

9. At their seventh sitting held on 4 March, 1992, the Committee again examined Kumari Frida Topno, MP.

10. At their eighth sitting held on 25 March, 1992, the Committee deliberated upon the matter and decided to hear once again Shri R. K. Biswal, Deputy Superintendent of Police, Rourkela, at their next sitting.

The Committee also considered the draft instructions regarding dealings between the Administration and Members of Parliament and State Legislatures forwarded by the Cabinet Secretary which were proposed to be issued by the Government. The Committee decided that all the instructions/guidelines issued by the Government of India regarding dealings between the Administration and Members of Parliament and State Legislatures including the revised instructions proposed by the Cabinet Secretary incorporating the relevant portions of the Warrant of Precedence be circulated to the members of the House for their information.

11. At their ninth sitting held on 21 April, 1992, the Committee considered the request of Government of Orissa for fixing another date for recording evidence of Shri R. K. Biswal as he was ill and admitted in the Police Hospital, Rourkela. The committee acceded to the request of Government of Orissa and postponed the evidence of Shri R.K. Biswal to their next sitting.

12. At their tenth sitting held on 11 May, 1992, the Committee examined Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, Orissa, once again.

13. At their eleventh sitting held on 30 July, 1992 the Committee considered their draft First Report and adopted it.

II. Facts of the Case

14. On 6 November, 1991, a teleprinter message addressed to the Speaker, Lok Sabha, was received[2] from the Personal Assistant to Kumari Frida Topno, MP, informing about the arrest of Kumari Frida Topno, MP, at 4.30 p.m. on 2 November, 1991, by Orissa Police at Rourkela.

15. As directed by the Speaker, Lok Sabha, the matter was referred to the Ministry of Home Affairs for furnishing a factual note on the matter.

16. On 10 November, 1991 Kumari Frida Topno, MP, gave notice[3] of a question of privilege regarding her alleged arrest at Rourkela on 2 November, 1991. In her notice of question of privilege, Kumari Frida Topno, MP, stated *inter alia* as follows:—

> "On 2nd November, 1991, I had gone to the office of the Executive Officer, Notified Area Council (Steel Township) Rourkela, alongwith some hundred fifty ladies and 100 men for a discussion regarding certain problems pertaining to Sarla Mahila Samiti. While the discussion was going on in presence of Police Officer in-charge of Sector 7 Police Station, suddenly a group of Janata Dal hooligans using very abusive language against me and the ladies, forcibly entered the conference hall and took away the Executive Officer. When we came out of the conference hall these Janata Dal goondas started throwing stones on us and demanded my arrest. The DSP, Mr. R. K. Biswal on duty then arrested me. All 150 ladies and about 100 men were also arrested. The police detained me and the ladies in the Police Station from 6.30 p.m. to 5.00 a.m. No police officials such as DIG, or SP, Rourkela or the civil administration such as Collector or ADM visited the Police Station. I told the Collector about my arrest at 12.30 a.m. who was in the Circuit House hardly 2 Kms. from the Police Station but he did not come to the Police Station."

17. On 22 November, 1991, when Kumari Frida Topno, MP, sought to raise the matter in the House, the Speaker, Lok Sabha, observed[4] as follows:—

> "Madam, I have received your notice of privilege motion. I have to find out the facts. I am looking into it... Please do not raise it now. After we get the facts, we will deal with it."

When Shri K. P. Singh Deo, MP, stated that it was a serious matter since Kumari Frida Topno was arrested and no intimation had been received about her arrest, the Speaker, Lok Sabha observed[5] as follows:—

> "..... The letter which she has written to me is in my possession.

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2. *See* Appendix I
3. *See* Appendix II
4. L.S. Deb., dt. 22.11.1991; *see* Appendix III
5. *Ibid.*

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2. *See* Appendix I
3. *See* Appendix II
4. L.S. Deb., dt. 22.11.1991; *see* Appendix III
5. *Ibid.*

I have read the letter and I shall have to take a decision as to whether it constitutes a breach of privilege or not only after getting the information. I will be the first person to protect the privilege of the members ..... As I am having some doubt about it, I have called for the information. I will take a decision after I receive the facts."

18. On 12 December, 1991, Kumari Frida Topno, MP, sought to raise the matter again in the House and on consent being granted by the Speaker, Lok Sabha, stated[6] as follows:—

"Sir, on the request of the Executive Officer of NAC(ST) I had gone to his office on 2.11.1991 at 2.30 p.m. for a discussion pertaining to the change of the President of Sarla Mahila Samiti of Timber Colony, Rourkela. While the discussion was going on, some twenty hooligans forcibly entered the hall, misbehaved with the ladies and used filthy language against me and the ladies. They took away the Executive Officer.

Suddenly, some more hooligans came at the gate and started throwing stones on us. They created law and order problem and demanded my arrest. Some 150 ladies and 100 men were arrested with me by Shri R. K. Biswal, DSP on duty. We were taken in a police van to Sector 7 police station at 6.30 p.m. and were detained there till 4.30 a.m. of 3.11.1991.

It was raining throughout the night and we were kept sitting on the verandah of the Police Station. The District Civil and Police Administration did not care to come to the Police Station to solve the problem. The District Magistrate who was camping at Rourkela also did not come to the Police Station.

Mr. Speaker, Sir, in this august House, I appeal to you to refer the matter to the Privileges Committee of this House and request that necessary action may be taken immediately against the officials responsible for such an incident, which is uncalled for."

19. The Speaker, thereupon, observed[7] as follows:—

"This was a matter which was brought to my notice. I had asked for the explanation on 8.11.91. Reminders were sent on 15.11.91, 19.11.91, 22.11.91 and 25.11.91. The, the show cause notice as to why the privilege notice should not be admitted was given on 27.11.91 and on 29.11.91.

Again there were letters sent on 6.12.91 and again on 12.12.91.

Inspite of so many letters, nothing has been done. That is why, I am referring this matter to the Privileges Committee for taking stringent action...

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6. L.S. Deb., dt. 12.12.1991; *see* Appendix IV
7. 7. L.S. Deb., dt. 12.12.1991; *see* Appendix IV

...I am referring this matter to the Privileges Committee and I will request the Privileges Committee to submit the report in the shortest time. And if the Privilege Committee comes to the conclusion that there is some mistake—real mistake—then we would take stringent action on it."

III. Issues and Evidence

20. At the outset, the Committee felt that two issues were broadly involved in the case:

(I) Whether Kumari Frida Topno, MP, was detained on 2 November, 1991 by Orissa Police at Sector 7 Police Station, Rourkela? If so, whether non-intimation thereof to the Speaker, Lok Sabha, amounted to a breach of privilege and contempt of the House; and

(II) Whether the instructions issued from time to time by the Government of India to the State Governments, Union Territories Administrations and others regarding (i) official dealings between the Administration and Members of Parliament and State Legislatures, and (ii) immediate intimation required to be given to the Speaker, Lok Sabha/Chairman, Rajya Sabha about arrest/detention/release, etc. of MPs, were comprehensive enough to leave no scope for non-compliance therewith? If not, whether any review of the said guidelines was called for with a view to suggesting suitable modifications in the guideline to the Government of India to make them more broad-based and comprehensive?

Committee decided to deal with both the issues separately.

(I) Whether Kumari Frida Topno, MP, was detained on 2 November, 1991 by Orissa Police at Sector 7 Police Station, Rourkela? If so, whether non-intimation thereof to the Speaker, Lok Sabha, amounted to a breach of privilege and contempt of the House?

21. During her evidence before the Committee, Kumari Frida Topno, MP, stated[8] *inter alia* as follows:—

"At 2.30 p.m. I went to the NAC Office. The Executive Officer took us to a meeting hall. I and ten other women went with him and held discussions... When most of the women had arrived there, some goondas forcibly entered there and started creating noise... They took away the Executive Officer physically from there when we were discussing with him. Subsequently some more people came there,

8. *See* Minutes of Evidence. (Original in Hindi)

perhaps they were about 50 in number, some more goondas came there and started shouting. Perhaps the police personnel knew about this, and they closed the gates. There is a compound wall there. More people could not come inside due to the closure of the gate but they continued to abuse us in filthy language from outside...

... Due to the closed gate they could not come inside so they started pelting stones on us from outside. At this, the police personnel present there panicked. They immediately brought a police van and told us that we are being arrested and asked us to accompany them. They then took us away from there...

The DSP there is R. K. Biswal. I rang him up twice and tried to contact him. I wanted to ask him whether he was actually arresting us or not. He said that they were arresting us.

...They took us to the Police Station in the police van... It was then 6.30 p.m. of the 2nd. We were released at about 4.30 a.m. the next day."

22. When asked, "Did you court arrest because others had been arrested and you insisted on remaining there and told them (the police personnel) that they will have to arrest you also?" Kumari Frida Topno replied that she did not insist on being arrested. She stated that "the DSP told her that he was arresting her".

23. Kumari Frida Topno, MP, also stated during her evidence that she "contacted the Collector at about 12.30 in the night. He was staying in the Circuit House. I told him that about 150 ladies and several workers have been arrested and are sitting here and requested him to come there. He said what could he do by coming there in the night, he will come in the morning and do whatever could be done in the morning. But he did not come in the morning also."

On being of asked whether the police arrested those persons who were abusing her and her supporters in a filthy language. Kumari Frida Topno replied, "They were not arrested, we were arrested". She also stated that no reason for arrest was intimated to her.

24. Shri R. K. Rath, Chief Secretary, Government of Orissa, during his evidence before the Committee, stated[9] *inter alia* as follows:—

"... On 2nd November, a number of persons, allegedly belonging to the camp of the hon. Member, came to the NAC office at about 11.00 a.m. They caused considerable damage to the office, broke the furniture, disturbed the articles, etc. The Executive Officer was not present in the office. At 12.30 p.m. on the same day, he arrived in the office and the members, who had come there, consisting mostly of women, demanded an immediate meeting to elect the President. The

9. See Minutes of Evidence.

police arrived in the meantime. The hon. Member was not present at that time. She sent word that she would arrive later on. I may be wrong by five minutes this side or that side. At 2.20 or 2.25 p.m., she arrived alongwith some of her followers and demanded the election of the President then and there. The Executive Officer, who had arrived in the meantime, told her that it was not possible. A proper notice had to be given. This argument continued for quite some time. The Executive Officer complained that he was not even allowed to go out for lunch or to attend to calls of nature. He was gheraoed and was not allowed to go out...

In the meantime another group consisting of 100 persons, mostly men belonging to a different camp, arrived. There was considerable tension. Some people, mostly consisting of women were inside the NAC office. Some people, consisting mostly of men were outside the office. There was slogan shouting by both the parties and the situation became very tense. Then the officer-in-charge of the police station interposed under section 149 of the Cr.P.C. He politely requested the Member of Parliament and others to leave the place. As a matter of fact, the MP had her own vehicle. She was requested to take her own vehicle and the police officer also said that he was prepared to escort her.

As far as the other Members, who were mostly ladies, were concerned, they had to be rescued. If these men broke open the gate and had come there, you could imagine the situation. You can imagine the consequences. They were taken in. As a matter of fact, a very large truck was brought inside the office. Half of the truck was kept outside the gate. Half of it was inside. They were all taken with a view to rescuing them.

There MP, according to these reports, was not arrested. Nor was she asked to get into this truck. She said that since she had come with her followers, she would like to accompany them and she would like to travel in the police vehicle. She was then put in the police vehicle and taken to the police station. Till then, none of them had been arrested...

...In the meantime, the Executive Officer lodged an FIR in which he complained against the ransacking of his office by some of the followers of the hon. MP. Eleven of them—mostly men consisting of two women and nine men—were immediately arrested and released on bail by the police, because the offences were bailable offences."

25. When asked to state the reason for not sending an intimation to the Lok Sabha Secretariat about the arrest of Kumari Frida Topno, MP, Shri Rath stated as follows:—

"... it appears to me that while the hon. Member may have had a *bonafide* impression that she was under arrest, the records did not

indicate that she was under arrest. The local officers took the view that since she was not arrested, there was no occasion for informing that to the Lok Sabha. This was the view that was taken by the local officers...

My submission is that they came to the police station and we requested them to go but they did not go. It was not a question of detaining them... They were rescued and brought to the police station and later on, when an offer was made they continued to say that they will not leave the police station till the date of election was fixed."

26. Shri Rath's attention was invited to the fact that "even if there is detention of an hon. Member for an hour, the Lok Sabha Secretariat is informed of the same" and that Kumari Frida Topno "remained in the thana for 10 hours continuously". He was asked, "...how can you justify that it was not detention and accordingly, the Lok Sabha Secretariat need not be informed?"

Shri Rath replied as follows:—

"The first mistake that they did was having brought her into the Police Station in the police vehicle they took the view that it is not a question of detention as she had come on her own will and did not inform the Lok Sabha of the same. Had they informed the Lok Sabha then this misunderstanding would not have been there... they took the view that since it was not a detention they need not inform the Secretariat but the fact that she came to the police station alongwith other persons should have been told to the Lok Sabha... but there was no lack of good faith. I will request the Committee that since no *mala-fide* intention was there the Committee may take a lenient view... there has not been a single case in Orissa where they have arrested a Member of Parliament but failed to report to the Secretariat."

Shri Rath, however, added:

"...the fact that she was there in the police station for such a long time justified intimation to the Lok Sabha Secretariat. I would advise my officers accordingly. I would be grateful if a lenient view is taken."

27. When asked as to why the District Magistrate and the Superintendent of Police did not go to the police station even after coming to know that a member of Parliament was in the police station, Shri Rath replied:

"Whether or not it is arrest or detention, I do concede that when an MP is involved, the SP should have visited the police station. As a matter of fact, the Collector did offer to go there. But the hon. Member said that all she wanted was a date for elections immedi-

ately. The SP should certainly have gone and looked her up when she was in the police station....

I will advise the SP that he should have found out the facts and called on the MP and explained the facts to her. I would be grateful if the Committee accepts this."

He also stated that he would issue further guidelines in this regard to the officers of the Orissa Government.

28. Shri Gunanidhi Jena, Executive Officer, Notified Area Council (Steel Township), Rourkela, stated[10], during his evidence before the Committee, that Kumari Frida Topno, MP, and her supporters were "rescued" by the police and taken away in a police vehicle. When he was asked to explain as to why was he using the word "rescue" before the Committee while he had stated in the First Information Report lodged by him that the said persons were "arrested" by the police, Shri Jena clarified that he had also used the word "rescue" in the FIR and stated that "some people who were taken in the police van were rescued. They were arrested when they were taken in the police vehicle."

29. Shri Jena on being again asked, "Is it that up to the time they were taken to the vehicle they were in 'rescue' and then they were 'arrested'?, replied in affirmative.

Shri Jena also stated that he had drafted the FIR on the basis of what was told to him by the members of his staff.

30. When asked, "You say that you were not there when the member came and still you have categorically stated in your report that Miss Topno and her associates came in a car with lathis and lethal weapons inside", Shri Jena replied, "They came but I did not see them with my own eyes but my staff told me about this...I drafted the report on the basis of the narration of the incident given to me by the members of my staff."

31. Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, stated[11] during his evidence that on 2 November, 1991, he was "in-charge of accounts and DSP (Personnel), looking after the papers concerning the police personnel like leave acccount and all that." He also stated that on that day "at about 12.30 P.M. the Superintendent of Police called me. He asked me to go to NAC(ST) Sector-5 Office because there was some trouble...As a senior police officer at the moment, he directed me to go there."

Shri Biswal also stated:—

"At 12.55 P.M. I reached the NAC Office, Sector-V. On my arrival there, I found about 100 persons just in front of the premises. They were just raising slogans. Soon after, I entered the office inside, I

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[10]*See* Minutes of Evidence
[11]*See* Minutes of Evidence

found that the tables, chairs and other things were broken and scattered inside. Then, just some persons were squatting in front of the office shouting slogans. I was present there. I was there in order to see that they could not enter inside the office."

"I was present at the gate. The female members alongwith the hon. MP were inside. There was a dispute between two groups—one group was outside and the other group was inside the premises. The situation was so tense that a clash was inevitable. In view of this, I was just guarding the outsiders and did not allow them to enter inside and cause any harm to the females and the hon. MP, who were inside the premises."

"After this some *halla gulla* was going on. After sometime the inspector, perhaps, called the vehicles inside. When the vehicles were brought, half portion went inside the campus of the NAC and the other half portion remained outside the gate. The gate was almost closed. I was just outside. I cannot say, how many persons entered and went inside the police vehicles and whether the hon. MP had also entered inside or not. I have not seen that and I had no occasion to see whether the hon. MP went inside the vehicle or not.....In those vehicles, the ladies were taken outside the NAC campus by the police...It was under the orders of the Inspector-in-charge who was the Officer-in-charge of that police station. He is Mr. Patnaik."

32. When asked whether "Mr. Patnaik ordered the arrest of those persons", Shri Biswal stated, "I cannot say Sir, whether he had ordered them or not. I cannot say whether Mr. Patnaik had arrested the ladies on the spot or not... I have no occasion to see whether the hon. MP was arrested or not at the time of the departure of the vehicles with the ladies."

Shri Biswal categorically stated that he had not given any orders for the arrest of Kumari Frida Topno, MP, or the ladies accompanying her.

33. Shri Jogendra Patnaik, Inspector, Sector-7 Police Station, Rourkela, stated[12] during his evidence as follows:—

"Janata Party people were trying to break the police cordon. They were shouting that they would get the office premises vacated if the police could not do so. The people who were inside were mostly women with babies in their lap. Evening was approaching fast. I entered the Council Hall. The hon. MP was present there. I requested with folded hands to immediately vacate the premises....I asked her to immediately vacate the premises.... When she asked me whether I could give her security, I said yes. I said I would accompany them personally and I would give them even conveyance if they have no objection. They asked us to take them out and leave them somewhere.

[12]See Minutes of Evidence

I replied that it would be somewhat difficult because there was tension and there might be some stray incidents. I told them that I would bring my vehicle inside and take them out and give them protection and later I would leave them wherever they want me to leave. They agreed to do but she had her own car, which did not belong to her personally—another member of the Congress Party came in that white ambassador—and I suggested her to travel in that car and I will take other members in my vehicle. But she did not agree to it and said it does not look nice if I travel in my car and my other partymen come in a police van. So, they all came voluntarily in the police van. At that time I was under tension but I think there were about 70 people who came to the police station and stayed there.

I showed them all respect. I wanted to know what actually had happened in the morning as at that time I had no written report as to what happened in the morning. I stayed there from 2.10 P.M. to 6.45 P.M. during which I kept enquiring from either party—Janata Dal, Members of the Mahila Samiti. I noted down all the points in my diary after my return to the police station at 7.00 P.M. I do not know what happened thereafter. They went outside my office, came back and then demonstrated that they should all be shown as arrested including the hon. member. The hon. member said, 'Since we have come to the police station in a police vehicle, unless we are shown as arrested, we will lose our political standing before the other party'. I explained to them that there is not an occasion to arrest since there is no allegation against them. Then I informed the SP and Mr. Mishra, DSP, Headquarter, arrived there. Another Inspector Mr. Upadhyay also arrived there. All of us humbly explained to the hon. member that there is no occasion for her to be arrested. We all requested her to leave the police station but she pressed that unless they are shown as arrested they are not going to leave the police station.Their demand and our request continued and at about 9.00 P.M. it started raining....".

34. Shri Jogendra Patnaik also stated that Kumari Frida Topno, MP, was not arested by him. When asked, "You did not deem it fit to inform the Speaker that a member of Parliament has been taken to the police station from 7 P.M. to 3.15 A.M. next morning?", Shri Patnaik stated, "The hon. member came voluntarily to the police station....I did not arrest the hon. member. Nor was she detained at police station. I was requesting her every time. She was also requested by DSP and other Inspector. I had incorporated everything in my diary.... They did not vacate the police station. They demanded 'We could not be successful in selecting our President. Collector, SP or ADM should come. They should give us the date when election should take place. Unless date is given by any senior officer of the District Administration, we are not going to vacate the police station'."

35.Shri Patnaik owned the responsibility of taking the decision of taking Kumari Frida Topno and others to the police station.

36. Shri Jogendra Patnaik was also asked whether any investigation had been made with regard to the allegation made by the Executive Officer, Notified Area Council (Steel Township), Rourkela, in the FIR lodged by him in Sector 7 Police Station, Rourkela, that Kumari Frida Topno had come to the premises of the Notified Area Council office with lethal weapons in a car. He replied, "It was found that as per report of the Executive Officer the hon. MP came in the car with dangerous weapons that was not true. The executive Officer had no personal knowledge. He came to know from his staff and others".

37. Shri Sushil Kumar Pradhan, Superintendent of Police, Rourkela, admitted[13] that Kumari Frida Topno, MP, was taken to the Sector 7 Police Station, Rourkela. When asked, "What was her status from 7.00 P.M. till 4.30 A.M. on the following day? Was she kept for questioning or was she under arrest or was she detained during that period?", Shri Pradhan stated, "She was neither detained nor she was under arrest. She continued to be in the Police Station due to her insistence alongwith other members..." "The MP herself insisted on her arrest alongwith the supporters and that only if they are released she would leave. It was in this capacity, she continued to be in the police station", Shri Pradhan added.

38. Shri Sushil Kumar Pradhan was asked whether there were any guidelines for police officers regarding procedure to deal with members of Parliament in such cases. He was also asked whether there was any guideline to the effect that if a member of Parliament is not under arrest or detention but is kept at the police station for considerable time, it is necessary to send the intimation about the same to the concerned authorities. Shri Pradhan stated, "So far as I know, if an hon. member is arrested or is detained, an intimation is required to be sent to the hon. Speaker. But this was a separate situation where that guideline, to my mind, perhaps did not apply. Otherwise, when I informed almost everybody, there was no bar on sending another intimation."

39. When asked as to why did he not go to the police station to meet Kumari Frida Topno, MP, after he was informed that she and her followers were at the police station, Shri Pradhan stated, "My personal reaction was that this was a matter which involved the decision of the DM and others. I had not met her."

40. Shri B.C. Patnaik, Home Secretary, Government of Orissa, when asked to state the reasons for taking Kumari Frida Topno, MP, and her supporters to the police station, stated.[14] 'Actually, the local police apprehended a serious breach of peace because there were two groups.

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[13]See Minutes of Evidence

14. See Minutes of Evidence

One group, mainly ladies with children were inside with the member of Parliament. Outside, the supporters of another party gathered and shouted slogans. Immediate clash was imminent between the two groups. The police had to interpose to diffuse the situation...The officer-in-charge told them repeatedly that they were not under arrest; they did not intend to arrest them."

41. When Shri B.C. Patnaik was asked about the delay on the part of the State Government in sending a factual report about the incident called for by the Lok Sabha Secretariat, he stated, "On 27th of November we informed the Home Ministry that the member of Parliament was not arrested. We did not get any letter from the Lok Sabha Secretariat directly. We received the first letter of 19th November, on 20th November. 21st was holiday. On 22nd we contacted the SP Rourkela." He also stated, "We are extremely sorry for this....I am sorry for the inconvenience caused to the hon. members."

42. Shri P.C. Mitra, District Magistrate, Sundergarh, Orissa, was asked, "Had you gone there (to the police station), things would have taken a different turn. Even if you give a technical explanation of the situation stating that she was not under arrest and that she wanted to stay in the police station on her own...even then you could have gone there and resolved the matter." Shri Mitra replied,[15] "That was my mistake, I am sorry."

43. Shri A.C. Jena, Inspector-in-charge, Sector 3 Police Station, Rourkela, deposed[16] before the Committee that he was asked by the Superintendent of Police to go to the Notified Area Council office to maintain law and order since the Inspector of Sector 7 Police Station, under whose jurisdiction Notified Area Council office falls, was not available. He stated that when he reached there he saw that Notified Area Council office had already been ransacked and that some women were shouting slogans for fulfilment of their demands. According to Shri Jena, he reached there at 11.50 A.M. and left at 12.35 or 12.40 P.M. He also stated that at the time he left the Notified Area Council office, there were no counter slogans. He also stated that "during the period of my stay, once I contacted the Inspector-in-charge of Sector 7 and then my Superintendent of Police. That was around 12.15 P.M. I apprised them about the situation and told that the ladies were then sitting peacefully and there was no further law and order situation. Besides that, at 12.30 P.M. the officers and constables of Sector 7 Police Station arrived there. I apprised them about the situation and left the spot...On the instructions of my Superintendent of Police, I left the place. Before leaving the spot, I contacted my Superintendent of Police. He told me that on arrival of the officers and men of sector 7 Police Station I could leave the spot. When I

15. *See* Minutes of Evidence
16. Ibid.

saw the officers and constables of Sector 7 arrive at 12.30 P.M., I left the place at 12.40 P.M."

44. Shri Kalucharan Chhotray, Junior Clerk, Notified Area Council (Steel Township), Rourkela, stated[17] that on 2 November, 1991 when he was working in the office, as usual, he saw about 40 to 50 men and women enter the office. They broke windows, doors, chairs, glasses, etc. and raised slogans. He also stated that he went out of the office in search of the Executive Officer and contacted him at Panposh Octroi Gate, about 8 Kms. away from Notified Area Council office. Shri Chhotray stated that he informed the Executive Office, Notified Area Council, about the incident.

45. As regards the taking away of Kumari Frida Topno, MP, in the police van, Shri Chhotray stated as follows:—

> "The hon. member of Parliament also, on her own, went inside the police van alongwith other demonstrators. The Inspector of Sector 7 asked as to why they are sitting inside and said that (they) only want to take the demonstrators. But the member said that they are her workers and when they are going, she must also accompany them. This was the incident."

46. When asked as to why did he go to inform the Executive Officer, Notified Area Council, 8 Kms. away about the incident, instead of going to the police station. Shri Chhotray stated, "I wanted to inform my officer. I wanted that my officer should go to the police station and report about the matter....I thought that the police officer may not listen to me. Therefore, I wanted my officer to inform first."

47. Kumari Frida Topno, MP, when she appeared again before the Committee for evidence, was specifically asked[18]:

> "When you appeared before the Committee last time, you had stated that..DSP Shri Biswal had ordered your arrest. When he (Shri Biswal) came here for evidence, he stated that he was not in-charge of that area and that he had been sent there by the Additional SP. He also stated that he did not give the order for arrest...On what basis do you say that orders for your arrest had been given and by whom?"

Kumari Frida Topno stated:

> "I have already stated that Shri Biswal had told me that they were arresting me."

When asked whether the order for arrest was given in writing, Kumari Frida Topno stated that she was only verbally informed. She said that she was sure that the person responsible for effecting her arrest was Shri Biswal.

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17. *See* Minutes of Evidence (original in oriya)
18. *See* Minutes of Evidence *(Original in Hindi)*

48. Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, when he appeared before the Committee once again, reiterated that he had not arrested Kumari Frida Topno, MP. He, however, stated that if the member had got an impression that he was responsible for effecting her arrest, he was sorry for that.

II. Whether the instructions issued from time to time by the Government of India to the State Governments, Union Territories Administrations and others regarding (i) official dealings between the Administration and Members of Parliament and State Legislatures, and (ii) immediate intimation required to be given to the Speaker, Lok Sabha / Chairman, Rajya Sabha about arrest / detention / release, etc. of MPs. were comprehensive enough to leave no scope for non-compliance therewith; If not, whether any review of the said guidelines was called for with a view to suggesting suitable modifications in the guidelines to the Government of India to make them more broad-based and comprehensive?

49. The Committee also heard Dr. Madhav Godbole, Secretary, Ministry of Home Affairs, Government of India. Dr. Godbole was asked during his evidence[19] before the Committee whether it was to his knowledge that the teleprinter message (dated 2 November, 1991) received from P.A. to Kumari Frida Topno, MP, regarding her arrest was forwarded to the Ministry of Home Affairs, Government of India, by the Lok Sabha Secretariat on 8 November, 1991 (delivered in the Ministry of Home Affairs on the same day) for furnishing a factual report regarding the incident? On his replying in the affirmative, he was asked what action was taken thereon by him. Dr. Godbole stated:—

> "A copy of this was addressed to me. This was dated 8th November, 1991 which I had seen on 10th November, 1991...After I saw it, I had marked it to the Additional Secretary who received it on 11th November. Then it went to the Joint Secretary on 14th November. Then to the Director in the Ministry on the 15th. After Saturday and Sunday, it went to the Desk Officer concerned on the 18th November after which a wireless message was issued to the Government of Orissa on 19th November. After that, a number of wireless messages and reminders were sent to the State Government from time to time. For example, another wireless message was sent on 25th November. Another was sent on 27th November. A D.O. letter was sent on 2nd December. Another reminder dated 29.11.1991 was also received from the Lok Sabha Secretariat. Another wireless message was sent on 3rd December. Our Joint Secretary concerned had spoken to the Additional Secretary of the Home Department of Orissa on 6th December, 1991. So, after all these reminders and wireless messages, the reply was received from the State Government

19. *See* Minutes of Evidence.

on the 6th December. It was then put up to the Minister for perusal and approval before sending a reply to the Lok Sabha Secretariat. Interim reply was sent to the Lok Sabha Secretariat on 13th December. Finally a reply after obtaining approval of the Minister was conveyed to the Lok Sabha Secretariat on 17th December."

The attention of Dr. Godbole was specifically drawn to the fact that the Ministry of Home Affairs treated the matter in a routine manner. He asked:

"The Ministry of Home Affairs did not apply their mind to it as to what were the contents of the message which was received from the Lok Sabha Secretariat, what was required to be done in regard to the case of a Member of Parliament. The Lok Sabha message was clear. The message was sent to you by Lok Sabha Secretariat clearly mentioning that Miss Frida Topno, Member of Parliament, has made a complaint,to the Lok Sabha Secretariat. While dealing with all this, why was so much time taken simply to forward that message to the Orissa Government, receiving it back and sending it back to the Lok Sabha Secretariat?"

Dr. Godbole replied:

"There was certainly some delay. That is visible. Five or six days time was lost. Unfortunately, I grant that there has been delay on both sides. I spoke to the Chief Secretary, Orissa, later when this matter was being considered by the Committee. He also accepted that there was some delay on their part."

50. When asked what would he like to do in future in such cases, Dr. Godbole replied, "We will certainly try to avoid this in future. Specific responsibility can be placed on a particular officer who will be asked to follow up these cases with the State Governments."

51. As regards the issuing of fresh instructions "about intimating the Lok Sabha Secretariat" of arrest etc. of Members of Parliament, Dr. Godbole stated, "if the Committee wishes us to write earlier, we can attempt, draft it and show it to the Committee. If you like us to do it afterwards, after the Committee's report is finalised, then also we can do that."

52. When asked to react to the stand taken before the Committee by the officers of the Orissa Government that Kumari Frida Topno was not under detention during her stay for several hours at the police station, Dr. Godbole stated, "The lady member need not be even asked to wait there for such a long time. If there was any dispute with the other party, as it appears to be, then that was only with those ten to twelve people against whom specific complaints like damaging the furniture etc. are there. Others need not have been detained...This is an avoidable kind of a situation."

53. As regards the need to review the instruction regarding dealings between Administration and Members of Parliament, Dr. Godbole assured, "We will review it through the Department of Personnel and through our Ministry. Number of circulars have been issued from time to time and State Governments have also issued circulars...We will certainly have it reviewed and put it for discussion with the Chief Secretaries."

54. Dr. Godbole also suggested, "What we can do is that we will start a paper on this. We will initiate discussions inter-ministerially and we will give our reaction. Since a whole gamut of issues are involved, you may discuss this with the Cabinet Secretary also."

55. As already stated (para 51 above), Dr. Madhav Godbole, Secretary, Ministry of Home Affairs, Government of India, when he appeared before the Committee, stated that the Ministry of Home Affairs could prepare a draft of fresh instructions to be issued by the Government of India to the State Governments/Union Territories Administrations reiterating and emphasising the need to send immediate intimation to the Speaker, Lok Sabha or the Chairman, Rajya Sabha, as the case may be, regarding arrest of Members of Parliament. As regards the need to review the instructions regarding dealings between Administration and Members of Parliament, Dr. Godbole assured, "We will review it through the Department of Personnel and through our Ministry. Number of circulars have been issued from time to time and State Governments have also issued circulars. We will certainly have it reviewed and put it for discussion with the Chief Secretaries."

56. Dr. Godbole was directed by the Committee to prepare draft revised instructions and forward the same for the perusal to be issued by the Ministry of Home Affairs was, accordingly, forwarded to the Lok Sabha Secretariat for being placed before the Committee of Privileges.

57. As desired by the Committee of Privileges, the Chairman also called, on 12 March, 1992, the Cabinet Secretary and the Secretary, Ministry of Personnel, Public Grievances and Pensions, in his Chamber and discussed with them issues relating to (i) delay in the Home Ministry in taking prompt action on the communications sent to them by the Lok Sabha Secretariat in Kumari Frida Topno's case and (ii) need to review the instructions issued from time to time regarding official dealings between the Administration and Members of Parliament and State Legislatures and immediate intimation required to be given to the Speaker, Lok Sabha/Chairman, Rajya Sabha, about arrest/detention/ release etc. of MPs.

58. The Cabinet Secretary agreed that there had been some delay in the Home Ministry in taking prompt action on the communications sent by the Lok Sabha Secretariat in Kumari Frida Topno's case.

As regards non-compliance by State Government and other authorities with the instructions issued by the Government of India from time to time, the Cabinet Secretary stated that fresh instructions could be issued

or, in the alternative, if the Committee made certain suggestions, the same could be taken into consideration by the Government.

59. The Chairman, Committee of Privileges, suggested that a draft of the revised comprehensive instructions covering and dealing with all matters like extending courtesy to Members of Parliament, replying promptly to their letters, etc. could be forwarded to the Lok Sabha Secretariat for being placed before the Committee. It was also suggested that the level at which the communications regarding complaint of arrest, detention etc. of Members of Parliament received in the Home Ministry from the Lok Sabha Secretariat ought to be dealt with should be fixed and the time-frame within which action on such communications ought to be taken in the Home Ministry, Government of India, should also be fixed.

60. The Cabinet Secretary agreed to look into the matter and submit a draft of revised comprehensive instructions for the perusal and approval of the Committee of Privileges.

61. The Cabinet Secretary also suggested that in cases where some information or a factual report regarding a complaint of arrest/detention of a Member of Parliament or misbehaviour with a member was to be called for from a State Government through the Home Ministry, a copy of the communication sent by the Lok Sabha Secretariat to the Home Ministry calling for the factual report could also be simultaneously endorsed to the concerned State Government to speed up the process of obtaining the factual report.

62. The draft of revised comprehensive instructions was accordingly forwarded by the Cabinet Secretary and considered by the Committee at their sitting held on 25 March, 1992.

The Committee decided that the draft instructions forwarded by the Cabinet Secretary be modified/amended in the light of the suggestions given by the members and placed before the Committee for their consideration at their next sitting to be held on 2 April, 1992.

63. The Committee also decided that all the instructions/guidelines issued by the Government of India regarding dealings between the Administration and Members of Parliament including the revised instructions proposed by the Cabinet Secretary, be published at one place by the Lok Sabha Secretariat and circulated to the members of the House for their information. It was also decided that the Warrant of Precedence be also incorporated in the proposed publication.

64. Revised draft instructions regarding official dealings between the Administration and Members of Parliament and State Legislatures, as modified in the light of the views expressed and amendments suggested by the members of the Committee may be seen at Appendix V.

IV. Findings and Conclusions

65. The Committee note that none of the officers of the Orissa Government examined by the Committee could give any plausible explanation for the act of removing Kumari Frida Topno, MP, and her supporters from the Notified Area Council office where they were, as per the version of the officers, holding a meeting with the Executive Officer, NAC, peacefully. Inspite of admitting that apprehension of breach of peace, if any, was from the crowd of hooligans who had gathered outside the gate of the Notified Area Council office and were raising slogans and filthy abuses against Kumari Frida Topno, neither Shri Jogendra Patnaik—who was instrumental in removing Kumari Frida Topno from the Notified Area Council office, nor Shri R.K. Biswal—who was the senior-most police officer on the spot—could explain, with any conviction, as to what prompted them to remove Kumari Frida Topno and her supporters from there instead of arresting and removing those persons who were threatening the member and from whom there was a genuine apprehension of breach of peace.

66. The Committee are disinclined to believe the story put forth by the concerned police officers that after the removal from the Notified Area Council office of Kumari Frida Topno, MP, and her supporters they were taken to the Sector 7 Police Station, Rourkela, out of their (police officers') concern for the security of the member and her supporters. Shri Jogendra Patnaik is on record as having stated that "they (Kumari Frida Topno and her supporters) asked us to take them out and leave them somewhere." In the face of such an admission by Shri Patnaik, it seems illogical as to why he should have taken Kumari Frida Topno and her supporters to the Sector 7 Police Station, Rourkela, unless the intention was to detain or arrest them. The behaviour of Shri Patnaik becomes all the more questionable in his subsequent action in letting Kumari Frida Topno, MP, go at about 4.30 A.M. in the night on 3 November, 1991 (a time which cannot be said to be safe by any stretch of imagination).

67. The Committee note that two different versions have been given at two different places by Shri Jogendra Patnaik in his evidence before the Committee about the reason behind Kumari Frida Topno's insistence to remain in Sector 7 Police Station, Rourkela. At one place he says, "the hon. member said, 'since we have come to the police station in a police vehicle, unless we are shown as arrested, we will lose our political standing before the other party'." At another, he states, "They demanded, 'We could not be successful in selecting our President, Collector, SP or ADM should come. They should give us the date when elections should take place. Unless date is given by any senior officer of the District Administration, we are not going to vacate the police station'."

68. On the contrary, Shri Sushil Kumar Pradhan, Superintendent of Police, Rourkela, advanced an altogether different plea for

Kumari Frida Topno's prolonged presence in the police station by stating, "the MP herself insisted on her arrest alongwith the supporters (who had been arrested at Sector 7 Police Station on the basis of the First Information Report lodged by the Executive Officer, Notified Area Council, Rourkela) and that only if they (her supporters) are released, she would leave. It was in this capacity that she continued to be in the police station."

69. This continuous shifting of the plea by the concerned police officers, when seen in the backdrop of the admission by the Chief Secretary, Government of Orissa, that the police officers made a mistake in bringing Kumari Frida Topno and her supporters in a police van to the police station and a second mistake in not sending intimation to the Speaker, Lok Sabha, about the same, leaves the Committee in no manner of doubt that there could have been no other intention in taking Kumari Frida Topno to the police station but to detain or arrest her there. The Committee are not at all convinced that Kumari Frida Topno, MP, could have chosen of her own accord—or for that matter any normal human being would willingly choose—to remain in a police station in the night for more than ten hours, as the police officers would have the Committee believe.

70. The Committee, however, note that whereas on the one hand Kumari Frida Topno, MP, repeatedly stated that it was Shri R.K. Biswal, DSP Rourkela, who had ordered her arrest and also informed her that he was arresting her, Shri R.K. Biswal on the other, denied the allegation. According to him, his role at the Notified Area Council office on the relevant date was limited to controlling the crowd that had gathered outside the Notified Area Council office gate and was raising slogans against Kumari Frida Topno and her supporters. He also stated that he neither went inside the Notified Area Council office nor met or talked with Kumari Frida Topno, he also did not see Kumari Frida Topno boarding the police van.

71. The Committee also note that Kumari Frida Topno was specifically asked when she appeared before the Committee a second time, as to whether she was sure that she was arrested by Shri R.K. Biswal, she reiterated her earlier statement that Shri R.K. Biswal had arrested her.

72. Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, however, denied when he appeared before the Committee once again, that he had arrested Kumari Frida Topno, MP. He, stated that if the member had got an impression that he was responsible for effecting her arrest, he was sorry for that.

73. After considering the contradictory statements made by Kumari Frida Topno, MP, and Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, as stated above, the Committee have no reason to disbelieve the version of the hon. member of Parliament that she was arrested on 2 November, 1991 at Rourkela. The Committee have arrived at the conclusion that Shri R.K. Biswal did, in fact, verbally convey to

Kumari Frida Topno that she was under arrest. This conclusion of the Committee is further fortified by subsequent events where Kumari Frida Topno was kept in Sector 7 Police Station, Rourkela, for about ten hours.

74. The Committee feel that keeping Kumari Frida Topno at Sector 7 Police Station for about ten hours was an overt act which, though it might not have been a technical arrest, definitely amounted to putting her under detention or restraint.

75. The Committee, therefore, hold that Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, was responsible for the detention of Kumari Frida Topno, MP. He should have ensured that the information relating to detention/restraint of Kumari Frida Topno was communicated to the Speaker, Lok Sabha, promptly as required under rule 229 of the Rules of Procedure and Conduct of Business in Lok Sabha.

76. Since non-intimation of arrest/detention etc. of a member of Lok Sabha to the Speaker, Lok Sabha, amounts to a breach of privilege and contempt of the House, the Committee have arrived at the conclusion that a gross breach of privilege and contempt of the House has been committed in not sending immediate intimation about the detention/restraint of Kumari Frida Topno, MP, at Sector 7 Police Station, Rourkela, on 2 November, 1991.

77. However, taking into consideration the totality of the circumstances and facts of the case and in view of the regret expressed by Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, and other senior officers of the Orissa Government, the Committee feel that the House would best consult its own dignity by taking no further action in the matter.

78. The Committee wish to bring on record the apathy and total lack of concern shown by senior officers like District Magistrate, Sundergarh, and Superintendent of Police, Rourkela, in not reacting to the situation with alacrity expected of such high ranking officers. These officers failed to respond to Kumari Frida Topno's repeated requests to them on telephone to come to the police station and discuss the matter with her. Had these officers gone to the police station, the Committee feel, the situation could have been diffused on the spot and the things would not have reached such a pass where a Member of Parliament had to stay in a police station for the better part of night.

79. As a matter of fact, the Chief Secretary, Government of Orissa, when he appeared before them for oral evidence, agreed with the Committee that the officers should have visited the Member of Parliament at the police station. He also assured that he would advise the officers to be careful in future.

80. The Committee also wish to express their extreme displeasure at the role of the Executive Officer, Notified Area Council (Steel Township),

Rourkela (Shri Gunanidhi Jena), in this whole unhappy episode. Shri Jena, during his evidence before the Committee seemed to be over-eager to use the word "rescue" with regard to Kumari Frida Topno's removal from the premises of Notified Area Council office. When asked to state the reason for using the word "rescue", first he said that that was the impression he had gathered but later on changed his statement to say that he was told by the staff of Notified Area Council office that Kumari Frida Topno had been rescued by the police. He also gave a very amusing and funny explanation that Kumari Frida Topno and her supporters were in "rescue" when they were being taken by the police towards the police van and they were under "arrest" when they boarded the police van.

81. The Committee are not satisfied with the unconvincing explanation given by Shri Gunanidhi Jena for the delay of about 10½ hours in lodging the First Information Report by him about the incident. It is hard to believe that the Executive Officer took 10½ hours in lodging the FIR because, as stated by him, he was "tense". The Committee also deprecate the conduct of the Executive Officer in falsely implicating Kumari Frida Topno in the FIR, on the basis of hear say information, as having arrived in the Notified Area Council office with lathis and lethal weapons which was later on found to be unfounded and incorrect.

82. The Committee are constrained to observe that the conduct of the Executive Officer, Notified Area Council, was not at all in keeping with the standards expected of a responsible Government officer. The Committee desire that suitable action be taken against him by the Government of Orissa for making false and baseless allegations, on the basis of hearsay information, against Kumari Frida Topno, MP, in the FIR lodged by him in Sector 7 Police Station, Rourkela, on 2 November, 1991 without bothering to first verify the veracity of those allegations.

83. The Committee note that instructions have been issued from time to time by the Government of India to State Governments/Union Territories Administrations regarding norms of official dealings between Administration and Members of Parliament. These instructions require the Government Officers to show all courtesies to Members of Parliament. It need hardly be emphasised that small gestures and courtesies go a long way in showing the concern and respect of the Administration towards the elected representatives of the people. The Committee feel that in a democratic set up like ours, the Administration or the executive should not fight shy of giving the elected representatives of the people the respect and regard which they rightly deserve.

84. The Committee, therefore, feel that the instructions regarding official dealings need to be reiterated and brought to the notice of all concerned—particularly the police officers and officials at the lower level. The Committee also feel that proper training needs to be imparted to the Government officers to make them realise that their job is to serve the

people and they are, therefore, duty bound to show due courtesy and regard to the people's representatives. The Government may consider holding training courses for its officers, particularly at the lower level, to impress upon them the need to show due courtesy and regard to the elected representatives of the people.

85. The Committee would like to emphasise that no useful purpose is going to be served unless the instructions percolate down to the lower level in the administrative machinery so that the officers/officials who are directly responsible for dealing with Members of Parliament become aware of the existence of these instructions. The Committee, therefore, feel that the instructions should be translated into all regional languages so that these are properly understood and comprehended by the lower level staff.

86. The Government may also consider the feasibility of holding on a regular basis, conferences of the Chief Secretaries etc. of State Governments to review the effectiveness of the instructions as well as for discussing proper follow up and feed back aspects of the matter.

87. The Committee note that the Secretary, Ministry of Home Affairs, Government of India (Dr. Madhav Godbole), stated during his evidence that a telex message sent by the Government of Orissa to the Ministry of Home Affairs, Government of India, on 27 November, 1991, was not received by the Ministry of Home Affairs. The Committee take a very serious note of such a lapse in communication whereby the House was denied access to important information which was meant to be communicated by the Government of Orissa to the House through the Ministry of Home Affairs, Government of India. The Committee would like the Ministry of Home Affairs, Government of India, to inquire into the matter with a view to ensuring that such lapses do not occur in future.

V. Recommendation

88. The Committee recommend that no further action need be taken by the House in the matter and it may be dropped.

NEW DELHI;
30 July, 1992

8 Sravana, 1914 (Saka)

SHIV CHARAN MATHUR
Chairman,
Committee of Privileges

MINUTES

MINUTES

I

Second Sitting

New Delhi, Friday, 20th December, 1991

The Committee sat from 16.45 to 17.45 hours.

PRESENT

Shri Shiv Charan Mathur—*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri Bhagwan Shankar Rawat
9. Shri Allola Indrakaran Reddy
10. Shri Tej Narayan Singh

SECRETARIAT

Shri T.S. Ahluwalia — *Director*
Shri S.C. Rastogi — *Under Secretary*

2. The Chairman, Committee of Privileges, informed the Committee at the outset that he had a talk with the Minister of State in the Ministries of Parliamentary Affairs and Law & Justice with regard to the issue raised during the last sitting of the Committee as to whether the Committee could take up the matter of non-reply/delay in reply by the Ministers/Ministries to the letters sent to them by members of Lok Sabha raising with them issues and problems pertaining to their constituencies. The Chairman informed the members that the Minister of State had stated that he had written to the Ministers and would be coming before the Committee with some positive information at the sitting of the Committee to be held on 7 January, 1992. The Chairman also informed the Committee that the Minister had expressed his apology for his inability to attend the sitting of the Committee due to House being in session.

3. The Committee then considered the question of privilege regarding the alleged arrest of Kumari Frida Topno, MP, by Orissa Police, Rourkela, on 2 November, 1991, and non-intimation thereof to the Speaker, Lok Sabha. Members expressed their views.

4. The Committee decided that the following documents be called for from the Government of Orissa:—

(i) General Diary of Sector-7 Police Station, Rourkela, containing entries of 1, 2 and 3 November, 1991;

(ii) Complete Log-Book containing entries regarding wireless messsages sent by Sector-7 Police Station about the incident of 2 November, 1991;

(iii) First Information Report registered in Sector-7 Police Station, Rourkela, Case No. 106 dated 2 November, 1991;

(iv) Complete Log-Book of Police vehicles containing entries regarding sending back of persons to their houses from Sector-7 Police Station, Rourkela; and

(v) A complete readable copy of the report of the Orissa Government dated 6 December, 1991 forwarded through the Ministry of Home Affairs earlier.

5. The Committee decided that Kumari Frida Topno, MP, be requested to appear before the Committee for oral evidence on Tuesday, 7 January, 1992. The Committee also decided that the following officials of Orissa Government be asked to appear before the Committee for oral evidence on Wednesday, 8 January, 1992:—

(i) Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela;

(ii) Executive Officer, Notified Area Council (Steel Township), Rourkela;

(iii) District Magistrate, Rourkela;

(iv) Home Secretary, Orissa; and

(v) Chief Secretary, Orissa.

6. The Committee took a serious view of the indifference and lack of promptitude shown by the concerned authorities of Orissa Government by not sending a prompt reply to repeated reminders to them to furnish a factual report on the alleged arrest of Kumari Frida Topno, MP, by Orissa Police, Rourkela, on 2 November, 1991; and non-intimation thereof to the Speaker, Lok Sabha. The Committee desired that a factual note on the delay in sending the report of the State Government be called for from the concerned authorities.

The Committee then adjourned.

II

Third Sitting

New Delhi, Tuesday, 7th January, 1992

The Committee sat from 15.00 to 16.30 hours.

PRESENT

Shri Shiv Charan Mathur — *Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Das
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri P.R. Kumaramangalam
9. Shri Debi Prosad Pal
10. Shri Bhagwan Shankar Rawat
11. Shri Allola Indrakaran Reddy
12. Shri Tej Narayan Singh

SECRETARIAT

Shri T.S. Ahluwalia—Director
Shri S.C. Rastogi—Under Secretary

WITNESS

Kumari Frida Topno, MP

2. At the outset the Chairman extended new year greetings to the members of the Committee.

3. The Minister of State in the Ministries of Parliamentary Affairs and Law & Justice stated that, as promised by him, he had taken up with Ministers the matter regarding the letters written by Members of Parliament to Ministers/Ministries about problems of their constituencies and non-reply/delay in reply to the said letters. The Minister of State informed that he had received replies from

Ministers, copies of which had been forwarded by him to the Chairman, Committee of Privileges.

The Chairman observed that the copies of the replies received from Ministers would be circulated to the Members of the Committee.

4. A member (Shri Ram Sunder Dass) wanted to know whether non-reply/delay in reply to the letters written by Members of Parliament to Ministers/Ministries amounted to a breach of privilege. The Minister of State in the Ministries of Parliamentary Affairs and Law & Justice stated that the Committee had already discussed the matter at an earlier sitting and arrived at a conclusion that it did not amount to a breach of privilege.

The Chairman informed the members that a Conference of Chairman of Committees of Privileges of Parliament and State Legislatures was scheduled to be held in New Delhi on 14 and 15 March, 1992 and that the Conference would afford an opportunity to discuss the matter in greater detail.

5. The Committee then took up consideration of the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

6. Kumari Frida Topno, MP, was called in and examined on oath. She handed over a written statement together with five enclosures and a copy each of three photographs showing her alongwith her supporters in Sector 7 Police Station, Rourkela.

(Verbatim record of evidence was kept)

(The witness then withdrew)

7. The Chairman observed that the documents furnished by the Government of Orissa in pursuance of directions of the Committee revealed that there had also been delay on the part of Ministry of Home Affairs, Government of India, in calling for the facts from the Government of Orissa and conveying the same to the Lok Sabha Secretariat. The Committee decided that the Secretary, Ministry of Home Affairs, Government of India, be also called to give his evidence before the Committee.

The Committee then adjourned.

III

Fourth Sitting

New Delhi, Wednesday, 8th January, 1992

The Committee sat from 11.15 to 13.40 hours and 15.30 to 17.25 hours.

PRESENT

Shri Shiv Charan Mathur—*Chairman*

MEMBERS

2. Shri Ram Narian Berwa
3. Shri Ram Sunder Das
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Venkata Krishna Reddy Kasu
7. Shri P.R. Kumaramangalam
8. Shri Debi Prosad Pal
9. Shri Bhagwan Shankar Rawat
10. Shri Tej Narayan Singh

SECRETARIAT

Shri T.S. Ahluwalia—Director

Shri S.C. Rastogi—Under Secretary

WITNESSES

1. Shri R.K. Rath, Chief Secretary to the Government of Orissa,
2. Shri Gunanidhi Jena, Executive Officer, Notified Area Council (Steel Township), Rourkela,
3. Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela,
4. Shri Jogendra Patnaik, Officer-in-charge, Sector 7, Police Station, Rourkela,

5. Shri S.K. Pradhan, Superintendent of Police, Rourkela

6. Shri B.C. Patnaik, Home Secretary, Government of Orissa, and

7. Shri P.C. Mitra, District Magistrate, Sundergarh, Orissa.

2. As directed by the Chairman, copies of the written statement together with its enclosures handed over by Kumari Frida Topno, MP, during her evidence before the Committee on 7 January, 1992, were circulated to the members of the Committee. Copies of the letter addressed by the Minister of State in the Ministries of Parliamentary Affairs and Law & Justice to the Chairman, Committee of Privileges, together with the replies received by him from Ministers were also circulated to the members of the Committee.

3. The Committee then took up for consideration the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

The Chairman informed the Committee that the Chief Secretary to the Government of Orissa, who had been asked to appear before the Committee for tandering his avidence in the afternoon, had requested that as he had to attend some urgent work in his State in the evening, his evidence might be recorded in the forenoon instead of afternoon. The Committee agreed to the request.

4. Shri R.K. Rath, Chief Secretary to the Government of Orissa, was called in and examined on oath. He handed over a copy of a letter addressed by him on 31 December, 1991 to the Principal Secretary (Home), Commissioner-cum-Secretary, H&UD Department and RDC(ND) Sambalpur, directing them not to dissolve the Sarala Mahila Samiti, Rourkela, as the matter was under consideration of the Committee of Privileges, Lok Sabha.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

5. Shri Gunanidhi Jena, Executive Officer, Notified Area Council (Steel Township), Rourkela, was then called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

(The Committee then adjourned till 15.30 hours.)

6. Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, was called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

7. Shri Jogendra Pattanaik, Officer-in-charge, Sector 7 Police Station, Rourkela was then called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

8. Shri S.K. Pradhan, Superintendent of Police, Rourkela, was then called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

9. Shri B.C. Patnaik, Home Secretary, Government of Orissa, was then called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

10. Shri P.C. Mitra, District Magistrate, Sundergarh, Orissa, was then called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

11. The Committee decided to hear Shri A.C. Jena, Inspector-in-charge, Sector 3 Police Station, Rourkela, and Shri Kalucharan Chhotray, Junior Clerk, Notified Area Council (Steel Township), Rourkela, at their sitting to be held on 21 January, 1992, and the Secretary, Ministry of Home Affairs, Government of India, at their sitting to be held on 22 January, 1992. .

The Committee then adjounred.

IV

Fifth Sitting

New Delhi, Tuesday, 21st January, 1992

The Committee sat from 15.15 to 16.55 hours.

PRESENT

Shri Amal Datta—*In the Chair*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Shri Bhagwan Shankar Rawat

SECRETARIAT

Shri T.S. Ahluwalia—*Joint Secretary*

Shri S.C. Rastogi*Joint Secretary—Under Secretary*

WITNESSES

1. Shri A.C. Jena, inspector-in-charge, Sector 3 Police Station, Rourkela.
2. Shri Kalucharan Chhotray, Junior Clerk, Notified Area Council (Steel Township), Rourkela.

2. The Committee of Privileges, in the absence of the Chairman of the Committee, chose Shri Amal Datta, MP, to act as Chairman for the sitting under rule 258(3) of the Rules of Procedure and Conduct of Business in Lok Sabha.

3. The Committee took up for consideration the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police, at Rourkela on 2 November, 1991, and non-intimation thereof to the Speaker, Lok Sabha.

4. Shri A.C. Jena, Inspector-in-charge, Sector 3 Police Station, Rourkela, was called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

5. The Committee decided that the General Diary (in original) of Sector 3 Police Station, Rourkela, containing entries of 2 November, 1991 be called for from the Government of Orissa.

6. Shri Kalucharan Chhotray, Junior Clerk, Notified Area Council (Steel Township), Rourkela, was then called in and examined on oath.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

7. Considering the fact that the Chairman, Committee of Privileges, would not be able to attend the sitting of the Committee on 22 January, 1992 when the Secretary, Ministry of Home Affairs, Government of India, was scheduled to appear before the Committee for oral evidence, the Committee decided to cancel the sitting to be held on 22 January, 1992.

The Committee then adjourned.

V

Sixth Sitting

New Delhi, Thursday, 13th February, 1992

The Committee sat from 15.15 to 16.05 hours.

PRESENT

Shri Shiv Charan Mathur—*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Amal Datta
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Shri Bhagwan Shankar Rawat

SECRETARIAT

Shri G.L. Batra	—	*Additional Secretary*
Shri T.S. Ahluwalia	—	*Joint Secretary*
Shri S.C. Rastogi	—	*Under Secretary*

WITNESS

Dr. Madhav Godbole, Secretary
Ministry of Home Affairs, Government of India

2. The Committee took up for consideration the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker.

3. Dr. Madhav Godbole, Secretary, Ministry of Home Affairs, Government of India, was called in and examined on oath. The Home Secretary assured during his evidence, to forward, for the perusal of the Committee, a set of directions issued from time to time by various Ministries/ Government Departments to State Governments/Union Territories Administrations regarding procedure for official dealings with members of Parliament.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

4. The Chairman observed that the members would have to consider whether they would like to hear the Cabinet Secretary and Secretary, Ministry of Personnel, Public Grievances and Pensions, also in the matter. The Committee authorised the Chairman to call the Secretaries concerned in his Chamber on dates and time convenient to him.

(The Committee then adjourned.)

VI

Seventh Sitting

New Delhi, Friday, 14th February, 1992

The Committee sat from 11.25 to 12.10 hours.

PRESENT

Shri Shiv Charan Mathur—*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Amal Datta
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Shri Bhagwan Shankar Rawat

SECRETARIAT

Shri G.L. Batra—*Additional Secretary*

Shri T.S. Ahluwalia—*Joint Secretary*

Shri S.C. Rastogi—*Under Secretary*

2. The Committee took up consideration of the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

3. The Committee were of the view that Kumari Frida Topno, MP, was detained by the Orissa Police at Rourkela on 2 November, 1991. The Committee were also of the view that the concerned authorities had committed a breach of privilege by not giving any intimation to the Speaker, Lok Sabha, about the arrest of Kumari Frida Topno, MP, as required under the Rules of Procedure and Conduct of Business in Lok Sabha.

4. The Committee, however, observed that whereas Kumari Frida Topno, MP, had stated during her avidence before the Committee on 7 January, 1992, that Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, had arrested her at Rourkela on 2 November, 1991, Shri Biswal

had denied even being present on the scene of occurrence during his evidence before the Committee on 8 January, 1992.

5. The Committee were, therefore, of the view that it would be proper under there circumstances that before arriving at any conclusion on the question as to who was responsible for effecting the arrest of Kumari Frida Topno, MP, she might be requested to appear once again before the Committee and asked to specifically name the officer responsible for arresting and detaining her at Sector 7 Police Station, Rourkela, on 2 November, 1991.

(The Committee then adjourned.)

VII

Eighth Sitting

New Delhi, Wednesday, 4th March, 1992

The Committee sat from 15.05 to 16.10 hours.

PRESENT

Shri Shiv Charan Mathur—*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Amal Datta
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Shri Venkata Krishna Reddy Kasu
7. Dr. Debi Prosad Pal
8. Shri Bhagwan Shankar Rawat
9. Shri Allola Indrakaran Reddy
10. Shri Tej Narayan Singh

SECRETARIAT

Shri G.L. Batra —*Additional Secretary*
Shri T.S. Ahluwalia —*Joint Secretary*
Shri S.C. Rastogi —*Under Secretary*

WITNESS

Kumari Frida Topno, MP

2. The Committee took up consideration of the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991, and non-intimation thereof to the Speaker. Kumari Frida Topno, MP, who was already on oath, was called in and examined by the Committee.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

3. The Committee deliberated upon the matter. Members expressed their views.

4. The Committee reiterated that they were of the view that Kumari Frida Topno, MP, was detained by the Orissa Police at Rourkela on 2 November, 1991. The Committee were also of the view that the concerned authorities had committed a breach of privilege by not giving any intimation to the Speaker, Lok Sabha, about the arrest of Kumari Frida Topno, MP, as required under the Rules of Procedure and Conduct of Business in Lok Sabha.

5. The Chairman, Committee of Privileges, informed the Committee that, as decided earlier by the Committee, he had called for the Cabinet Secretary and the Secretary, Ministry of Personnel, Public Grievances and Pensions, to meet and discuss with him on 10 March, 1992, the matter relating to the review of the existing guidelines regarding official dealings between the Administration and members of Parliament and State Legislatures. The Chairman observed that he would apprise the Committee about his discussion with the officers later on.

6. The Committee decided to meet again on 25th March, 1992, to further deliberate upon the matter.

(The Committee then adjourned.)

VIII

Ninth Sitting

New Delhi, Wednesday, 25th March, 1992

The Committee sat from 15.15 to 16.25 hours.

PRESENT

Shri Shiv Charan Mathur —*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Amal Datta
4. Shri Santosh Kumar Gangwar
5. Dr. Debi Prosad Pal
6. Shri Bhagwan Shankar Rawat
7. Shri Allola Indrakaran Reddy

SECRETARIAT

Shri S.C. Rastogi —*Under Secretary*
Shri V.K. Sharma —*Assistant Director*

2. At the outset, the Chairman informed the members that he had held a discussion with the Cabinet Secretary and the Secretary, Ministry of Personnel, Public Grievances and Pensions on 12 March, 1992. The Chairman also informed the members that the Cabinet Secretary had promised to send a draft of the revised instructions proposed to be issued regarding official dealings between the Administration and Members of Parliament. The Chairman observed that the draft received from the Cabinet Secretary had been circulated to the members of the Committee and requested the members to express their views thereon.

Members expressed their views and suggested modifications in the draft.

3. The Committee decided that the draft instructions forwarded by the Cabinet Secretary be modified/amended in the light of the suggestions given by the members and placed before the Committee for their consideration at their next sitting to be held on 2 April, 1992.

4. The Committee decided that all the instructions/guidelines issued by

the Government of India regarding dealings between the Administration and Members of Parliament including the revised instructions proposed by the Cabinet Secretary, be published at one place by the Lok Sabha Secretariat and circulated to the members of the House for their information. It was also decided that the Warrant of Precedence be also incorporated in the proposed publication.

5. The Committee then took up consideration of the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker. The Chairman informed the members that Kumari Frida Topno, MP, who had appeared again before the Committee for oral evidence on 4 March, 1992 had reiterated that she was arrested by Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela.

6. The Committee decided that Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, be called to appear before the Committee once again for oral evidence at their next sitting to be held during third week of April, 1992.

7. The Committee also decided to meet again on Thursday, the 2nd April, 1992 to further deliberate upon the matter.

(The Committee then adjourned.)

IX

Tenth Sitting

New Delhi, Tuesday, 21st April, 1992

The Committee sat from 15.15 to 15.40 hours.

PRESENT

Shri Shiv Charan Mathur —*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Bhagwan Shankar Rawat

SECRETARIAT

Shri G.L. Batra —*Additional Secretary*
Shri S.C. Rastogi —*Under Secretary*
Shri V.K. Sharma —*Assistant Director*

2. The Committee took up consideration of the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

3. The Committee were informed that a message dated 16 April, 1992 had been received from Government of Orissa through Ministry of Home Affairs intimating that Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, who had been called to appear before the Committee for oral evidence was not in a position to appear before the Committee as he was ill and admitted in the Police Hospital, Rourkela. The Government of Orissa had also requested that another date might be fixed for recording the evidence of Shri R. K. Biswal.

After consideration, the Committee acceded to the request of the Government of Orissa and directed that Shri R.K. Biswal be asked to appear before the Committee at their next sitting which might be held for the purpose on 7 May, 1992.

4. The Chairman recalled that a copy of the revised instructions regarding official dealings between the Administration and Members of Parliament and State Legislatures received from the Government of India and as approved by the Committee had been forwarded to the Rajya Sabha Secretariat for being placed before the Committee of Privileges, Rajya Sabha for their consideration and comments, if any, before the Government was asked to issue these instructions. He observed that in case, the Committee of Privileges, Rajya Sabha, suggested any changes in the instructions, the same might be considered again by the Committee.

(The Committee then adjourned.)

X

Eleventh Sitting

New Delhi, Monday, 11th May, 1992

The Committee sat from 15.15 to 16.35 hours.

PRESENT

Shri Shiv Charan Mathur —*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri Allola Indrakaran Reddy
9. Shri Tej Narayan Singh

SECRETARIAT

Shri G.L. Batra —*Additional Secretary*
Shri S.C. Rastogi —*Under Secretary*
Shri V.K. Sharma —*Assistant Director*

WITNESS

Shri R.K. Biswal—*Deputy Superintendent of Police, Rourkela*

2. The Committee took up consideration of the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker.

3. Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela, who was already on oath was called in and examined by the Committee. Shri Biswal denied that he had arrested or ordered the arrest of Kumari Frida Topno, MP. He, however, stated that he was sorry if Kumari Frida Topno, MP, had got an impression that he was responsible for her arrest.

(Verbatim record of evidence was kept.)

(The witness then withdrew.)

4. The Committee deliberated on the matter.

5. The Chairman recalled that as informally agreed to by the Committee, the draft instructions regarding official dealings between the Administration and Members of Parliament and State Legislatures which were proposed to be issued by the Government of India, as modified a d approved by the Committee were sent to the Rajya Sabha Secretariat for the Consideration of the Committee of Privileges, Rajya Sabha. It was understood from the Secretariat that their Committee after considering the draft instructions felt that the said instructions might not be able to achieve the purpose for which these were propsed to be issued. Accordingly, that Committee had directed Rajya Sabha Secretariat to revise the same for consideration by that Committee again. The Chairman observed that as soon as the draft instructions approved by the Committee of Privileges, Rajya Sabha, were received the same would be circulated to the members of the Committee for their consideration at the next sitting of the Committee. He remarked that the draft instructions as approved by the Committee of Privileges of both the Houses might be sent to the Government of India for issuing to the authorities concerned. He also observed that after these instructions had been issued by the Government, the same might be published by the Lok Sabha Secretariat in the form of a booklet for information and use of the members in English, Hindi and regional languages.

6. The Chairman observed that in view of the recent developments in various State Legislatures which have led to the present confrontation between legislature and judiciary and between legislature and press, it would be desirable to have an academic study of the various issues involved in the matter. For the purpose, the Chairman felt, the Committee of Privileges might hold informal discussions with their counterparts in some State Assemblies particularly those of Tamil Nadu, Meghalaya, Manipur and Nagaland. The Committee authorised the Chairman to seek permission of the Speaker, Lok Sabha, in the matter.

7. The Chairman also pointed out that in view of the demand made in the House for codification of the law of privileges, a questionnaire might be prepared and circulated to important persons belonging to the four organs of democracy, *viz.*, legislature, executive, judiciary and press. Replies to the questionnaire as and when received might be scientifically analysed and put up before the Committee for their consideration.

8. The Chairman directed that necessary steps including seeking the Speaker's permission in the matter regarding visit of Committee of Privileges, Lok Sabha, to aforesaid legislatures might be taken.

(The Committee then adjourned.)

XI

Twelfth Sitting

New Delhi, Thursday, 30th July, 1992

The Committee sat from 15.00 to 15.35 hours.

PRESENT

Shri Shiv Charan Mathur —*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Dr. Debi Prosad Pal
7. Shri Bhagwan Shankar Rawat
8. Shri Allola Indrakaran Reddy

SECRETARIAT

Shri S.C. Rastogi —*Under Secretary*
Shri V.K. Sharma —*Assistant Director*

2. At the outset, the Chairman observed that he hoped that members had gone through the draft First Report on the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker.

3. The Chairman suggested a minor correction in para 64 of the draft First Report that the words "and as approved by the Committee" be omitted.

The Committee agreed.

4. The Committee then considered their draft First Report and adopted it.

5. The Committee decided that the evidence taken before the Committee be appended to the Report of the Committee.

6. The Committee authorised the Chairman and in his absence Shri Bhagwan Shankar Rawat, MP, to present their First Report to the House on 11 August, 1992.

(The Committee then adjourned.)

MINUTES OF EVIDENCE

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Tuesday. 7th January, 1992

PRESENT

Shri Shiv Charan Mathur — *Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri P.R. Kumaramangalam
9. Shri Debi Prosad Pal
10. Shri Bhagwan Shankar Rawat
11. Shri Allola Indrakaran Reddy
12. Shri Tej Narayan Singh

SECRETARIAT

Shri T.S. Ahluwalia — *Director*

Shri S.C. Rastogi — *Under Secretary*

WITNESS

Kumari Frida Topno, MP

(The Committee met at 15.00 hours)

Evidence of Kumari Frida Topno, MP

Mr. Chairman: Kumari Frida Topno you have been asked to appear before this Committee to give evidence in connection with the question of privilege regarding your alleged arrest by the Orissa Police at Rourkela on 2nd November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee will be reported to the House.

Now you may please take oath or make affirmation as you like.

Kumari Frida Topno: *I, Kumari Frida Topno* solemnly affirm that the evidence which I shall give in this case shall be true and that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: Will you make a brief statement of the incident?

Kumari Frida Topno: I may be permitted to speak in Hindi.

राउरकेला, उड़ीसा में वहां की टिम्बर कोलोनी में एक सरला महिला समिति है तो वहां के जो बेनीफिशयरीज हैं उनको कुछ पैसा मिलता है। नोटिफाइ एरिया के जो एक्जीक्युटिव आफिसर हैं, उनके जरिए, वे लोग पैसा पाते हैं, अनुदान उनको मिलता है। अपने बच्चों और महिलाओं के लिए वे काम करते हैं। उसमें ग्यारह सदस्य हैं और एक प्रेजीडेंट होता है। दस सदस्य चाहते थे कि प्रेजीडेंट को चेंज करें। जैसा कि उनको काम करना चाहिए था, वे नहीं करते थे। दस महीने पहले वे बहुत ही रिक्वेस्ट करते थे लेकिन एक्जीक्युटिव आफिसर चेंज करने के लिए नहीं सुनते थे। मैं, 25.10.91 को टिम्बर कालोनी एरिया में गई थी। वहां की महिला समिति के सदस्यों ने मुझे सब कुछ बताया कि हम लोग दस महीने से प्रेजीडेंट को चेंज करने के लिए कह रहे हैं लेकिन एक्जीक्युटिव आफिसर नहीं सुनते। मैंने 25 अक्तूबर, 91 को एक डी०ओ० लैटर एक्जीक्युटिव आफिसर को लिखा कि आप दो दिन के अंदर प्रेजीडेंट को चेंज कर दीजिए। इस वजह से दो ग्रुपों में टेन्शन होती रहती थी। वहां के पुलिस आफिसर ने इंटरवीन किया था। लेकिन एक्जीक्युटिव आफिसर ने कोई जवाब नहीं दिया। फोन से बात नहीं हुई और न उन्होंने कहा कि आपका लैटर आया है और कुछ एक्शन ले रहे हैं। फिर महिलाओं ने उनको एप्रोच किया। दो नवम्बर को महिला समिति की सदस्य गोपीबंधु एरिया की उनके पास गई। उन्होंने कहा कि आप फाइनल कर दीजिए। मैं दो बजकर तीस मिनट पर वहां एन एस सी के आफिस में गई। एक्जीक्युटिव आफिसर हमको वहां एक मीटिंग हॉल में ले गए। हम और दस महिलाएं उनके साथ गई और डिसकशन किया। महिलाओं ने कहा कि फाईनल कर दीजिए। पुलिस आफिसर भी डिस्कशन में थे। काफी परसुएशन के बाद वे एग्री हुए कि हम आज ही फैसला कर देते हैं।

जब अधिकतर महिलाएं वहां जा चुकी थीं तो उसी समय कुछ गुण्डा टाइप के लोग वहां घुस आये और हल्ला गुल्ला करने लगे। फिजिकली उन्होंने वहां उपस्थित लेडीज़ को भी इधर उधर करने का प्रयत्न किया; घुसने के बाद। हम लोग वहां बैठे हुए थे। वे एक्जीक्युटिव आफिसर को वहां से फिजिकली ले गये जब कि हम लोग उनसे डिस्कशन कर रहे थे। उसके बाद और लोग भी वहां आये, शायद उनकी संख्या 50 रही होगी, बाहर से कुछ और गुण्डे लोग आये और वहां आकर उन्होंने बहुत हल्लागुल्ला किया। पुलिस के लोगों को शायद इसकी जानकारी थी, इसलिये उन्होंने पहले से गेट को बंद कर दिया था, वहां कम्पाउण्ड वाल है। गेट बंद कर देने के कारण और ज्यादा लोग अंदर नहीं आ सके परन्तु बाहर से ही बहुत गाली गलौच देते रहे, फिल्थी लैंग्वेज हमारे खिलाफ बोलते रहे। वे कह रहे थे—दिलीप राय जिन्दाबाद, फ्रिडा तोपनो मुर्दाबाद। दिलीप राय वहां जनता दल के इंडस्ट्री मिनिस्टर हैं। उनका एक और नारा था "फ्रिडा तोपनो, दादागिरी नहीं चलेगी"।

हम सब वहां बड़ी पीसफुली डिस्कशन कर रहे थे और मैंने कोई ऐसा व्यवहार किसी के साथ भी नहीं किया था, परन्तु वे लोग बार बार बोलते थे—फ्रिडा तोपनो, दादागिरी नहीं चलेगी। वे बाहर से बहुत फिल्थी लैंग्वेज बोलते जा रहे थे, जिसको मैं यहां उद्धृत नहीं कर सकती।

गेट बंद होने के कारण वे लोग अंदर नहीं आ सके, इसलिये उन्होंने बाहर से ही पत्थर फेंकने आरम्भ कर दिये हम लोगों के ऊपर। इससे वहां जो पुलिस के लोग थे, वे घबरा गये। वे तुरन्त एक पुलिस वैन लाये और हम लोगों से बोले कि हम आपको अरैस्ट कर रहे हैं और हमारे साथ चलिये। वे हमें वहां से ले गये।

वहां के डी०एस०पी० आर० के० बिस्वाल थे, उन्हें मैंने तीन बार फोन करके सम्पर्क करने का प्रयत्न किया, मैं पूछना चाहती थी कि क्या आप एक्चुअली हमें अरैस्ट कर रहे हैं या नहीं। उन्होंने कहा कि हां, हम आपको अरैस्ट कर रहे हैं। जितनी हम लोग वहां महिलाएं थीं, उनमें कई महिलाएं अपने बच्चों को लेकर आयी थीं। हम लोग भी साथ में गये, और हमारे वर्कर्स लोग भी साथ में गये। पुलिस वैन में, हम सब लोग इतने हो गये कि वैन फुल हो गयी। कुल 150 महिलाएं हम उसमें होंगी। पुलिस वैन में वे हमें पुलिस स्टेशन ले गये जबकि गुण्डे लोग बाहर हल्ला-गुल्ला ही कर रहे थे, पत्थर फेंक रहे थे, उसी अवस्था में हम लोगों को पुलिस स्टेशन ले जाया गया। उस समय 2 तारीख की शाम के साढ़े छः बजे थे।

हम लोगों को दूसरे रोज 4.30 ए० एम० के आसपास वहां से छोड़ा गया।

सभापति महोदय: यानी तीन तारीख को छोड़ा गया।

कुमारी प्रिब्रा तोपनो: सुबह 4.30 बजे, दूसरा रोज हो गया, तीन तारीख हो गयी। इस बीच में, मैंने बहुत कोशिश की कि एस०पी०, डी०आई०जी०, कलैक्टर, ए०डी०एम० किसी से फोन पर सम्पर्क कर सकूं लेकिन मुझे बताया गया कि इस समय कोई भी अवैलेबल नहीं है। पुलिस के जो थाने के इंचार्ज थे, वे हमारे पास बैठे हुए थे। हमने उनसे बड़ी रिक्वैस्ट की कि एक्जीक्यूटिव आफिसर के नैक्सट जो भी हायर ऑफिसर अवैलेबल हों, जो हमारी प्रौब्लम को सौल्व कर सके, उन्हें बुलाईये, तो हमें बताया गया कि कोई भी अवैलेबल नहीं हो रहा है जबकि मेरी सूचना यह है कि सभी उस दिन हैड क्वार्टर में उपस्थित थे। फिर मुझे खबर मिली कि कलक्टर वहां आ रहे हैं, भुवनेश्वर जाने के लिये, राउरकेला होकर उन्हें भुवनेश्वर जाना था। रात के 12.30 बजे मैंने कलैक्टर से कान्टैक्ट किया। वे सर्किट हाउस में ठहरे थे। मैंने उनसे बोला कि हम लोग यहां लगभग 150 लेडीज़ हैं, उनके अलावा हमारे अनेक वर्कर्स हैं, हम लोग सब यहां अरैस्ट कर लिये गये हैं, यहां बैठे हैं, आप जरा आईये। वे बोले कि रात को आकर क्या करेंगे, कहां रात को जायेंगे, हम सुबह आयेंगे और जो कुछ भी होगा, वह सुबह करेंगे। परन्तु सुबह वे भी नहीं आये। उनके अलावा पुलिस ऑफिसर, ए०डी०एम०, डी०आई०जी०, या एस०पी० में से भी कोई वहां नहीं आया।

उस रोज रात भर बारिश होती रही। महिलाओं का बुरा हाल था।

सभापति महोदय: क्या आपने एस०पी० और डी०आई०जी० को भी इत्तला की थी?

कुमारी प्रिब्रा तोपनो: मैंने बताया कि डी०एस०पी० तो वहीं हम लोगों के साथ थाने में बैठे थे और मैंने उन्हें बोला कि जरा फोन करके उच्च अधिकारियों को बुलाइये, सुबह आने से कुछ भी प्रौब्लम सौल्व नहीं होगी, रिलीज करने के लिये भी उन्हें बुलाइये, परन्तु मुझे बताया गया कि कोई भी अवैलेबल नहीं हो रहा है। केवल कलैक्टर से ही रात के 12.30 बजे बात हो सकी।

उसके बाद मैंने एक चिट्ठी भी, प्रोटैस्ट लैटर, उन्हें लिखकर दिया, जिसकी एक कॉपी मैंने अभी आपको दी है, अटैच की है। उसे इंसपैक्टर इंचार्ज, सैक्टर 7 ने रिसीव किया है, आगे भेजने के लिये। कलैक्टर ने सुबह आने को बोला, परन्तु कोई नहीं आया।

जब सुबह 4.30 बजे सुबह हम लोग थाने से रिलीज हुए तो मैं कुछ लेडीज को लेकर कलैक्टर से मिलने के लिये गयी। मैंने उनसे बोला कि आप नहीं आये, रात भर हम लोग वहां रहे। आप कम से कम जो प्रेजीडेंट को चेंज करने की प्रौब्लम है, उसे तो कर दीजिये, जिसके लिये हम रात भर थाने में रहे, आप उसका तो कुछ समाधान कर दीजिये। वे बोले, अभी मैं भुवनेश्वर जा रहा हूं, वहां से 8 दिन बाद वापस आऊंगा और तब इसके बारे में डिसाइड करूंगा। उसके बाद भी वह डिसाइड नहीं किये, कोई डिसीजन नहीं हुआ है और न उन्होंने फोन से या कान्टैक्ट करके हमें उसकी कोई जानकारी दी।

यह खबर वहां के सभी डेली पेपर्स में, लोकल डेली स्टेट के पेपर्स में और नेशनल डेली पेपर्स में, सब में निकली थी, जिनमें से चार पेपर्स की कापीज़ मैंने आपको दी हैं।

जब एक एम०पी० के साथ इस तरह व्यवहार किया जाता है तो दूसरे आर्डिनरी लोगों के साथ पुलिस कैसा व्यवहार करती होगी, यह देखकर मुझे बहुत दुख हुआ और इसी कारण मैंने इस मैटर को पार्लियामैंट में रेज़ किया और प्रार्थना की कि इसे प्रिविलेज कमेटी को भेज दिया जाये। यदि हम लोग चुप होकर रहेंगे तो हमारे वर्कर्स भी डी-मौरेलाइज महसूस करेंगे और पब्लिक भी डी-मौरेलाइज महसूस करेगी। यदि एम पीज़ के साथ ऐसा व्यवहार होता है तो साधारण लोगों के साथ क्या होता होगा, आप समझ सकते हैं। अभी कुछ फोटोज़ भी मैं आपको देती हूं।

इसके अलावा एक रिक्वैस्ट मुझे और करना है। आप लोग उस पर ध्यान दीजिये। श्री सुशील कुमार प्रधान, राउरकेला के एस पी हैं। उन्हें आगामी 26 जनवरी को प्रेजीडेंट अवार्ड कन्फर किया जाना है। मैं चाहती हूं कि पहले इस मामले में डिसीजन हो जाये, तभी उन्हें एवार्ड मिले, वह अच्छा होगा नहीं तो पब्लिक क्या सोचेगी कि शायद उसने एम पी को अरैस्ट किया, उसी का इनाम मिल रहा है। ऐसी प्रतिक्रिया भी हो सकती है।

सभापति महोदय: क्या एस पी को एवार्ड मिलने जा रहा है?

कुमारी क्रिष्णा तोपनो: जी हां, 26 जनवरी को।

सभापति महोदय: क्या वह एस पी इससे कनैक्टेड था?

कुमारी क्रिष्णा तोपनो: जी हां, एस पी राउरकेला, सुशील कुमार प्रधान, इससे सम्बन्धित था।

सभापति महोदय: क्या एस पी को उस समय इत्तला मिली थी?

कुमारी क्रिष्णा तोपनो: डी एस पी ने कहा कि वे अवैलेबल नहीं हैं। लेकिन मेरी इन्फौर्मेशन के मुताबिक, उस दिन वे हैडक्वार्टर में मौजूद थे। कलैक्टर ने तो कहा था कि वे रात में नहीं आयेंगे, सुबह आयेंगे।

सभापति महोदय: आप एस पी को कान्टैक्ट नहीं कर सकीं?

कुमारी क्रिष्णा तोपनो: वे अवैलेबल नहीं हो रहे थे फोन पर, फोन ही नहीं मिला। सम्भव है कोई और होगा, जिसने टेलीफोन उठाया हो।

सभापति महोदय: आपने अपनी बात कह ली, या आपको कुछ और भी कहना है?

कुमारी क्रिष्णा तोपनो: और कुछ तो मुझे नहीं कहना है, कापी मैंने आपको दे दी है।

सभापति महोदय: अब एक इधर से और एक उधर से माननीय सदस्य प्रश्न पूछ सकते हैं।

श्री राम नारायण बैरवा: मैडम, आप अपनी कार में गई थीं तो आपने कार को वहां क्यों छोड़ दिया?

कुमारी फ्रिडा तोपनो: हमको वेन में ले गए इसलिए हमने कार को छोड़ दिया।

श्री संतोष कुमार गंगवार: जब मीटिंग चल रही थी उस समय क्या समय था?

कुमारी फ्रिडा तोपनो: उस समय 2 बजकर 30 मिनट थे। उस समय मुझे हाल में ले गए कि वहां बैठ कर डिसकशन करेंगे।

श्री संतोष कुमार गंगवार: जब आपको थाने में ले जाया गया उस समय पुलिस ने आपके साथ कोई दुर्व्यवहार किया?

कुमारी फ्रिडा तोपनो: उस समय पुलिस ने मेरे साथ कोई दुर्व्यवहार नहीं किया।

श्री संतोष कुमार गंगवार: ऐसा तो नहीं है कि दूसरे लोगों के इशारे पर उन्होंने आपके साथ दुर्व्यवहार किया?

सभापति महोदय: पुलिस ने दरवाजा बन्द कर दिया था और वहां पर बाहर जो लोग गालियां दे रहे थे, क्या उनके खिलाफ कार्यवाही करने के लिए पुलिस डर रही थी?

कुमारी फ्रिडा तोपनो: मेरा कहना भी यही है कि हम लोग शांतिपूर्वक बातचीत कर रहे थे और इस प्रकार से हमारे साथ जो व्यवहार किया गया, उसके ऊपर कार्यवाही करनी चाहिए थी।

श्री संतोष कुमार गंगवार: क्या आपको पुलिस इसलिए ले गई कि वह आपको भीड़ से बचाना चाहती थी?

कुमारी फ्रिडा तोपनो: इस बात को मैं नहीं जानती हूं।

श्री संतोष कुमार गंगवार: आपको साढ़े छः बजे पुलिस ले गई, उन्होंने बताया कि हम आपको गिरफ्तार कर रहे हैं और थाने में बिठा दिया। आपको सब के साथ बिठाया या अलग से बिठाया?

कुमारी फ्रिडा तोपनो: हम एक साथ बैठे थे और कुछ महिलाएं बाहर छोटे रूम में बैठी थीं।

श्री भगवान शंकर रावत: जो लोग हल्ला कर रहे थे और ऐसी फिलदी लेंग्वेज़ आपके खिलाफ इस्तेमाल करे थे, क्या उनको पुलिस ने गिरफ्तार किया था?

कुमारी फ्रिडा तोपनो: उनको गिरफ्तार नहीं किया, हम लोगों को किया।

श्री भगवान शंकर रावत: क्या आप ऐसा अनुभव नहीं कर रही थीं कि वे आपके खिलाफ ऐसी फिलदी लेंगवेज़ इस्तेमाल कर रहे थे, आपको उनसे बचाने के लिए गिरफ्तार किया और इसलिए आपको अपने साथ ले गए?

कुमारी फ्रिडा तोपनो: मुझे पता नहीं।

श्री अन्ना जोशी: आपके साथ जो लेडिज़ थीं उनको उन्होंने गिरफ्तार किया और आपको उन्होंने बोला कि ये कौन सी कलम के अन्दर या कौन से गुनाह के अन्दर ऐसा कर रहे हैं। उन्होंने आपको कुछ बोला?

कुमारी फ्रिडा तोपनो: सिर्फ यही कहा कि हम आपको गिरफ्तार कर रहे हैं।

श्री अन्ना जोशी: मैं आपसे यह पूछ रहा हूं कि आपको गिरफ्तारी का कोई भी कारण उन्होंने नहीं दिया?

कुमारी फ्रिडा तोपनो: नहीं।

श्री अन्ना जोशी: दूसरा मेरा सवाल यह है कि जो लोग हल्ला-गुल्ला कर रहे थे उनको रोकने के लिए पुलिस ने उस कम्पाउंड के दरवाजे बन्द कर दिए थे। जो एग्जीक्यूटिव आफिसर को घसीट कर ले गए थे, वे लोग कौन थे?

कुमारी फ्रिडा तोपनो: वे गुण्डा लोग थे और स्टाफ के भी थे।

Shri Anna Joshi: Do they not wish that you should discuss it with the Executive Officer?

कुमारी फ्रिडा तोपनो: वे लोग नहीं चाहते थे कि ऐसा हो।

श्री तेज नारायण सिंह: आपको जिस समय पुलिस ने कैद किया उस समय आपके साथ कौन लोग थे?

कुमारी फ्रिडा तोपनो: कुछ लेडिज थीं और वर्कर थे।

श्री तेज नारायण सिंह: उनकी कितनी संख्या थी?

कुमारी फ्रिडा तोपनो: 150 के करीब।

श्री तेज नारायण सिंह: क्या आपको अन्दर अरेस्ट किया गया?

कुमारी फ्रिडा तोपनो: नहीं, अरेस्ट करने के बारे में कुछ नहीं कहा गया।

श्री तेज नारायण सिंह: अरेस्ट करने के बाद कहां ले गये?

कुमारी फ्रिडा तोपनो: पुलिस स्टेशन सैक्टर-7 राऊरकेला में ले गये।

श्री तेज नारायण सिंह: आप अपनी गाड़ी से गये?

कुमारी फ्रिडा तोपनो: नहीं, पुलिस वैन में ले गये।

श्री तेज नारायण सिंह: आपको पुलिस चौकी में कहां पर बैठाया?

कुमारी फ्रिडा तोपनो: हमको कुर्सी पर बैठाया।

श्री तेज नारायण सिंह: आपने वहां से पुलिस से या कलेक्टर से कांटेक्ट किया?

कुमारी फ्रिडा तोपनो: हां, कलेक्टर से किया तो वे सुबह आने के लिए बोले और सुबह साढ़े चार बजे तक कुर्सी पर बैठे रहे।

श्री तेज नारायण सिंह: क्या डी०एस०पी० ने आपके खिलाफ किसी मुकद्दमे की बात की या आपको अरेस्ट क्यों किया गया?

कुमारी फ्रिडा तोपनो: नहीं, कोई कुछ नहीं बोला।

श्री अमल दत्ता: पुलिस आपको वैन में इच्छा से ले गयी या जबरन ले गई?

कुमारी फ्रिडा तोपनो: जितने भी लेडीज़ या वर्कर्स लोग थे, उनको भी साथ बैठाया।

श्री अमल दत्ता: क्या आपके केस को डायरी किया?

कुमारी फ्रिडा तोपनो: नहीं, वे सीधे ही सैक्टर-7 पुलिस स्टेशन ले गये।

श्री अमल दत्ता: वहां जाने के बाद आपको पुलिस स्टेशन के अन्दर ले गये या कम्पाऊंड में ले गये?

कुमारी फ्रिडा तोपनो: क्योंकि बाहर बारिश हो रही थी, इसलिए बिल्डिंग के अन्दर थाने में ले गये।

श्री अमल दत्ता: वहां जाने के बाद आपसे कुछ बोला गया? या यह पूछा गया कि आपको क्यों अरेस्ट किया गया या कोई एफ०आई०आर० आपके नाम पर है?

कुमारी फ्रिडा तोपनो: वे लोग कुछ नहीं बोले। नाम सुबह लिख रहे थे।

श्री अमल दत्ता: आपका नाम पता ले लिया गया?

कुमारी फ्रिडा तोपनो: जी हां।

श्री अमल दत्ता: क्या आपने उनसे बाहर जाने के लिए पूछा?

कुमारी फ्रिडा तोपनो: नहीं, वे बोले आप नहीं जा सकते हैं।

श्री अमल दत्ता: क्या आपने उनको अपनी गिरफ्तारी इसलिए दी कि जो दूसरे लोगों को अरेस्ट किया तो आपने भी वहीं रहने पर जोर दिया या आपने ऐसा कहा कि हम सब को भी अरेस्ट करना पड़ेगा?

कुमारी फ्रिडा तोपनो: नहीं, ऐसा कुछ नहीं।

सभापति महोदय: इसका मतलब यह है कि जब और लोगों को अरेस्ट किया गया तब आपने इनसिस्ट किया कि हम लोगों को भी अरेस्ट किया जाये?

कुमारी फ्रिडा तोपनो: वे तो बोले कि हम आपको अरेस्ट कर रहे हैं।

श्री अमल दत्ता: आपको अरेस्ट किया उसके पीछे कोई वारंट या आपसे कोई साईन वगैरा लिया?

कुमारी फ्रिडा तोपनो: नहीं कराया।

श्री अमल दत्ता: रात को जब अरेस्ट किया तो सुबह साढ़े चार बजे तक कोई ऐसी घटना हुई जिस कारण आपको छोड़ना पड़ा?

कुमारी फ्रिडा तोपनो: नहीं, ऐसा कुछ नहीं हुआ।

सभापति महोदय: रात के साढ़े बारह बजे से सुबह के साढ़े चार बजे तक कोई बातचीत हुई?

कुमारी फ्रिडा तोपनो: नहीं, हम लोग आपस में ही बातचीत करते रहे। पुलिस आफिसर ने कोई पूछताछ नहीं की। हम पुलिस आफिसर से बोले कि कोई आना चाहिये, प्राब्लम सॉल्व होनी चाहिये बार-बार फोन लगाया लेकिन वे अवेलेबल नहीं थे।

श्री अमल दत्ता: वहां पर खाने का कोई बन्दोबस्त किया गया?

कुमारी फ्रिडा तोपनो: नहीं, वर्कर्स ने बन्दोबस्त किया।

श्री राम सुन्दर दास: जब आप अपने कार्यकर्त्ताओं के साथ वहां गयीं तो हल्ला हो रहा था, लोग नारे लगा रहे थे लेकिन जब आप डिस्कशन के लिए गईं तो वहां कोई हल्ला हो रहा था?

कुमारी फ्रिडा तोपनो: जिस समय हम लोग डिस्कशन के लिये गये तो उस समय कोई हल्ला नहीं हो रहा था।

श्री राम सुन्दर दास: जब एरिया आफिसर या एक्जीक्यूटिव आफिसर के साथ भीतर गयीं तो उस समय कोई हल्ला नहीं था?

कुमारी फ्रिडा तोपनो: नहीं।

श्री राम सुन्दर दास: जब आप डिस्कशन में थी तो पीसफुल था लेकिन जब आपको अरेस्ट किया गया तो आपने पूछा कि क्यों अरेस्ट किया गया आपको?

कुमारी फ्रिडा तोपनो: उन्होंने तो नहीं बताया लेकिन बाहर हल्ला गुल्ला हो रहा था इसी से अनुमान लगा लिया।

श्री राम सुन्दर दास: आपने कहा कि जब वहां डिस्कशन में थी, तो डी०एस०पी० ने गिरफ्तार किया, बाहर हल्ला हो रहा था, बाहर या अन्दर गाली देने वालों में पुलिस के लोग भी थे?

कुमारी फ्रिडा तोपनो: पुलिस के लोग नहीं थे, बाहर के थे।

श्री राम सुन्दर दास: क्या आपको पहचान है उनकी?

कुमारी फ्रिडा तोपनो: रात का समय था, इसलिए पहचान नहीं सकी।

श्री राम सुन्दर दास: जब वहां पर पीसफुल निगोशिएशन्स चल रही थी तो किस आधार पर आपको गिरफ्तार किया गया?

कुमारी फ्रिडा तोपनो: हमको गिरफ्तार नहीं करना चाहिये था।

श्री राम सुन्दर दास: जब आप थाने में थी तो क्या कलेक्टर से बातचीत की?

कुमारी फ्रिडा तोपनो: कलेक्टर से की लेकिन सुबह आने के लिए कहा था।

श्री राम सुन्दर दास: क्या एस०पी० से बातचीत हुई?

सभापति महोदय: एस०पी० तो एवेलेबल नहीं हो रहे थे।

कुमारी फ्रिडा तोपनो: वे बोले कि अभी रात को हम नहीं आयेंगे, सुबह आयेंगे और इस विषय पर डिस्कशन भी तभी करेंगे। ऐसा उन्होंने कहा।

श्री राम सुन्दर दास: आपको पुलिस ने सुबह 4.30 बजे तक बिठाये रखा?

कुमारी फ्रिडा तोपनो: जी हां।

श्री राम सुन्दर दास: किसी ने आपको कुछ नहीं बताया कि आपको किस केस की वजह से गिरफ्तार किया गया?

कुमारी फ्रिडा तोपनो: नहीं उस समय किसी ने कुछ नहीं बोला।

श्री राम नारायण डैरवा: आपको कुछ ध्यान हो तो बताइये कि वहां पुलिस स्टेशन में आपके जिन साथियों को गिरफ्तार किया गया था, क्या उनमें से किसी की, या कुछ की जमानत ली गयी थी?

कुमारी फ्रिडा तोपनो: जी हां, कुछ वर्कर्स लोगों को गिरफ्तार किया गया था और उनसे सिक्योरिटी भी ली गयी थी।

श्री राम नारायण डैरवा: आप सब के नाम तो वहां लिखे गये होंगे?

कुमारी फ्रिडा तोपनो: जी हां, वे सब की लिस्ट कर रहे थे, उसमें हमारा नाम भी था।

श्री राम नारायण बैरवा: क्या आपको डिप्टी साहब ने खुद गिरफ्तार किया था?

कुमारी फ्रिडा तोपनो: डी एस पी साहब ने हमें बोला था कि हम आपको गिरफ्तार कर रहे हैं।

श्री राम नारायण बैरवा: इसलिये आपका नाम पता वगैरह सब लिखा होगा?

कुमारी फ्रिडा तोपनो: वैसे सब हमारा नाम जानते हैं लेकिन वहां थाने में लिख रहे थे, लिस्ट कर रहे थे, जितने हम लेडीज़ लोग थे, दूसरे वर्कर्स थे, उन्हें वे लिस्ट कर रहे थे।

सभापति महोदय: सरला महिला समिति के 11 मैम्बर्स हैं, जिनमें से 10 प्रेजिडेंट के खिलाफ हैं, क्या यह रजिस्टर्ड वॉडी है?

कुमारी फ्रिडा तोपनो: वालेंटरी आर्गेनाइजेशन है, रजिस्टर्ड है या नहीं, इसके बारे में मैं कह नहीं सकती हूं।

सभापति महोदय: क्या उस समिति का कोई विधान है, कांस्टीट्यूशन है?

कुमारी फ्रिडा तोपनो: ठीक से मालूम नहीं, मैंने पूछा नहीं लेकिन वह शायद रजिस्टर्ड है, एक वालेंटरी आर्गेनाइजेशन है।

सभापति महोदय; आपने कहा कि 10 लोग खिलाफ थे, प्रेजीडेंट को हटाना चाहते थे और इसी सिलसिले में वहां मीटिंग बुलायी गयी थी। और कोई ईश्यू या समस्या मीटिंग में डिस्कशन के लिये नहीं थी।

कुमारी फ्रिडा तोपनो: नहीं। केवल यही था कि वे काम ठीक से नहीं करते हैं। उनका व्यवहार संदेहास्पद है और जो कुछ खर्चा उनके द्वारा किया जाता है, उसमें ठीक से काम नहीं हुआ है।

सभापति महोदय: क्या वह कोई नौमिनेटिड वॉडी थी, वहां के नोटिफाइड एरिया कमेटी के आफिसर्स की, और आपने उनसे ही कहा कि प्रेजीडैंट ठीक से काम नहीं कर रहे हैं, गड़बड़ करते हैं। हम पिछले 10 महीने से उनके खिलाफ शिकायत कर रहे हैं, आप उन्हें हटा दीजिये। क्या वह एक नौमिनेटिड कमेटी थी, नोटिफाइड एरिया कमेटी द्वारा, या कोई रजिस्टर्ड वॉडी थी, जिसका चुनाव हुआ था?

कुमारी फ्रिडा तोपनो: मैं ये सारी डिटेल्स नहीं जानती, लेकिन वह एक वालेंटरी आर्गेनाइजेशन है।

सभापति महोदय: आप चूंकि उस एरिया का प्रतिनिधित्व करती हैं इसी नाते शिकायत आपके पास आयी और तभी आप वहां गयीं, क्या ऐसा था?

कुमारी फ्रिडा तोपनो: जब मैं यहां से, पार्लियामेंट सैशन खत्म होने पर, गयी तो मैं अक्सर अपने एरिया में घूमती हूं। वहां के लोग मुझसे मिलने आये और बोले समिति के सदस्य मुझसे बोले कि हम लगातार पिछले कई महीनों से कोशिश कर रहे हैं, इस समिति की अध्यक्ष ठीक से काम नहीं कर रही हैं, इन्हें कोई नहीं हटाता, आप हमारी मदद कीजिये। मैंने इस बारे में पहले एक डी.ओ. लैटर भी लिखा था।

सभापति महोदय: आपने किसे डी ओ लैटर लिखा था?

कुमारी फ्रिडा तोपनो: एक्जीक्यूटिव ऑफिसर को लिखा था परन्तु इसका कोई जवाब नहीं आया। वे हमसे फोन पर भी बात नहीं किये।

सभापति महोदय: पहली तारीख को जो मीटिंग फिक्स की गयी थी, उसे पोस्टपोन करने का उन्होंने कोई कारण नहीं दिया या दिया था?

कुमारी फ्रिडा तोपनो: हमें उसका कोई कारण नहीं बताया।

सभापति महोदय: पहली तारीख की मीटिंग जब फिक्स की गयी थी, तो सब को उसकी इन्फार्मेशन भेजी गयी थी। वह सूचना लोगों को मिली थी। उस आफिस के नोटिस बोर्ड पर भी वह इन्फार्मेशन लगायी गयी होगी, वहां के लोगों को नोटिफाई किया गया होगा। परन्तु जब उसे पोस्टपोन कर दिया गया तो क्या उसे भी नोटिफाई किया गया था?

कुमारी फ्रिडा तोपनो: जब मैम्बर्स पहली तारीख को वहां पहुंचे, तो उनसे कह दिया गया।

सभापति महोदय: मीटिंग खत्म हो गयी, ऐसा कुछ कहा गया होगा?

कुमारी फ्रिडा तोपनो: नहीं ऐसा कुछ नहीं कहा गया।

सभापति महोदय: फिर सैकेण्ड नवम्बर को मीटिंग कैसे हुई?

कुमारी फ्रिडा तोपनो: पहली तारीख की मीटिंग में नोटिफाई किया गया था।

सभापति महोदय: नोटिफाई करने के बाद, क्या उसकी कैंसिलेशन का नोटिस भी निकाला गया था?

कुमारी फ्रिडा तोपनो: उनकी फाईल में ऐसा लिखा गया था, मैंने देखा था।

सभापति महोदय: कौन आपको बोला कि पहली तारीख की मीटिंग का जो नोटिफाई किया गया है, वह अब बंद हो गयी, खत्म हो गयी और दो तारीख की मीटिंग का कोई नोटिस नहीं दिया गया कि अब वह कैंसिल होकर दो तारीख को होगी?

कुमारी फ्रिडा तोपनो: लेकिन ऐसा उस फाइल में लिखा गया था।

सभापति महोदय: मैम्बर्स को कैसे मालूम हुआ, फाईल में लिखने से ही काम नहीं चलता?

कुमारी फ्रिडा तोपनो: सब को बोल दिया गया था कि अब यह मीटिंग नहीं होगी।

सभापति महोदय: क्या आपके ख्याल से कैंसिलेशन का जो कदम था, वह गलत था?

कुमारी फ्रिडा तोपनो: हां, गलत था।

सभापति महोदय: नोटिफाइड मीटिंग को कैंसिल करने का, एक्जीक्यूटिव आफिसर का कदम गलत आप मानती हैं?

कुमारी फ्रिडा तोपनो: जी हां।

सभापति महोदय: फिर आप 2 तारीख को कैसे इकट्ठा हुए?

कुमारी फ्रिडा तोपनो: 2 तारीख को वे लोग फिर गये थे, उन्हें रिक्वैस्ट करने के लिये, सब महिला लोग गये थे। वे बोले कि मैडम को यानी मुझे बुला लेते तभी इस विषय में डिस्कशन करेंगे, कोई फैसला करेंगे। एक तारीख की मीटिंग उन्होंने कैंसिल कर दी थी तभी दो तारीख को फिर से वे बातचीत करने के लिये तैयार हो गये। महिला लोग वहां सुबह 9 बजे पहुंच गये थे और उनसे रिक्वेस्ट करने लगे कि आज के हालात में, कोई न कोई समाधान हो जाना चाहिये। यदि आप चाहें तो मैडम को भी बुला लेते हैं। जब वे एग्री किये तो ढ़ाई बजे वे मुझे बुलाकर ले गये।

सभापति महोदय: ढ़ाई से साढ़े छः बजे तक, चार घण्टे के पीरियड में, वहां क्या डिस्कशन हुआ?

कुमारी क्रिष्णा तोपनो: मैंने उनको बोला कि मैंने इस बारे में आपको एक डी ओ लैटर लिखा था, आपने उसका कोई जवाब नहीं दिया। फोन से भी आप बातचीत करना नहीं चाहते हैं। उसका उन्होंने कोई जवाब नहीं दिया। पिछली मीटिंग आपने क्यों कैंसिल कर दी। आज भी 10 मैम्बर प्रेजैंट हैं, आप उनसे बोलकर, कोई फैसला कर दीजिये। लेकिन उनकी बातों से लगा कि वे कोई फैसला करना नहीं चाहते। उन्हें कन्विन्स करने के लिये हम लोग कोशिश करते रहे।

सभापति महोदय: ढ़ाई से साढ़े 6 बजे तक, चार घण्टे में, आपकी यही बातचीत हुई?

कुमारी क्रिष्णा तोपनो: पहले वे एग्री नहीं कर रहे थे। कहने लगे कि प्रेजीडैंट तो उपस्थित नहीं है, कैसे होगा। मैं बोली कि यह एक वालेंटरी आर्गेनाइजेशन है, आप अभी भी खबर देकर उन्हें बुलवा सकते हैं। किसी को भेजकर बुलवा सकते हैं। वे बोले कि पेपर वगैरह भी पूरे नहीं हैं। चाभी नहीं है। मतलब यह कि वे बहाने बना रहे थे। मैंने उनसे कहा कि मैजोरिटी तो यहां है, फिर आप कोई फैसला करना क्यों नहीं चाहते। सिर्फ प्रेजीडैंट नहीं है, उसे बुलवाया जा सकता है। बाकी सब वहां थे।

सभापति महोदय: 11 में से कितने मैम्बर्स उस समय वहां मौजूद थे?

कुमारी क्रिष्णा तोपनो: प्रेजीडैंट को छोड़कर, सभी 10 वहां मौजूद थे। उन सब की एक राय थी कि प्रेजीडैंट को हटा देना चाहिये। बाद में वे एग्री किये थे कि अच्छा करेंगे। वे 7 रोज़ का टाइम मांग रहे थे। मैंने कहा कि 25 तारीख को मैंने आपको डी ओ लैटर लिखा था, 5-7 दिन तो आलरैडी हो गये। यदि 7 दिन आप फिर लेंगे, फिर क्या गारंटी है कि आप और टाइम नहीं लेंगे, फैसला कर देंगे। आप तो ऐसे ही दिन बढ़ाते जा रहे हैं। इसलिए आज ही फैसला कर दीजिये, सभी आए हुए हैं। वे लगभग एग्री हो रहे थे परन्तु उसी समय आफिस के कुछ लोग, जो वहां मौजूद थे, उनके पास आये और उन्हें एक तरफ ले गये।

सभापति महोदय: यानि उनके आफिस के लोग भी उसमें शामिल थे। आफिस के लोग भी नहीं चाहते कि प्रेजीडैंट को हटाया जाये?

कुमारी क्रिष्णा तोपनो: जी हां। सब का इरादा था कि उन्हें न हटाया जाये।

सभापति महोदय: दफ्तर के लोग भी नहीं चाहते थे कि उन्हें हटाया जाये और जो लोग बाहर हल्लागुल्ला कर रहे थे, क्या वे भी प्रेजीडैंट के समर्थक थे?

कुमारी क्रिष्णा तोपनो: ऐसा ही लगता है वर्ना किसलिए वे लोग बाहर आकर हल्लागुल्ला करते।

सभापति महोदय: जब आप लोग अंदर बातचीत कर रहे थे तो पुलिस ने आकर बाहर का दरवाजा बंद कर लिया था?

कुमारी क्रिष्णा तोपनो: जी हां, ऐसे बंद कर दिया था।

सभापति महोदय: आपने कहा कि वे लोग बाहर आवाजें भी लगा रहे थे, फिल्थी लैंग्वेज भी बोल रहे थे?

कुमारी क्रिष्णा तोपनो: जिस समय हमें बाहर ले जाया जा रहा था, उसके बाद वे लोग गेट के पास आ गये थे।

सभापति महोदय: बाहर जो लोग हल्लागुल्ला मचा रहे थे, उन्हें रोकने के लिये पुलिस ने कोई कार्यवाही नहीं की?

कुमारी क्रिष्णा तोपनो: जी हां, कोई कार्यवाही नहीं की।

सभापति महोदय: क्या किसी को गिरफ्तार किया?

कुमारी क्रिड्डा तोपनो: हम लोगों को ले जाते समय नहीं किए थे।

सभापति महोदय: क्या कोई नेबरहुड कमेटी है?

कुमारी क्रिड्डा तोपनो: मुझे ख्याल नहीं है।

सभापति महोदय: जो आफिशियल रिपोर्ट है उसके मुताबिक एक नेबरहुड कमेटी है।

कुमारी क्रिड्डा तोपनो: मैं नहीं जानती हूं।

सभापति महोदय: आप जो शिकायत कर रही थीं वह क्या शिकायत थी?

कुमारी क्रिड्डा तोपनो: वह यह शिकायत थी कि वह जो भी पैसा खर्च करते थे उसका मैम्बरों को कुछ एकाउंट्स नहीं देते थे।

सभापति महोदय: आपकी समझ में एक समिति की शिकायत थी, 10 लोगों ने आपको शिकायत की और उसके लिए आप वहां गई थीं। आपका समिति से कोई ताल्लुक नहीं था?

कुमारी क्रिड्डा तोपनो: हां, इन लोगों की शिकायत थी, उसके लिए मैं वहां गई थी और वह मेरी कांस्टीट्यूऐंसी है इसलिए भी मैं गई थी।

सभापति महोदय: यह तारीख जो बदली गई वह किस के आदेश से बदली गई हमारे पास यह जानकारी है कि एडिशनल डिस्ट्रिक मजिस्ट्रेट के आदेश से यह तारीख बदली गई?

कुमारी क्रिड्डा तोपनो: इसमें तो ऐसा कुछ नहीं था और न ही एडिशनल मजिस्ट्रेट का कोई आर्डर दिखाया गया।

सभापति महोदय: यह जो लोग बाहर हल्ला-गुल्ला कर रहे थे उससे आपस में कुछ झगड़ा हुआ?

कुमारी क्रिड्डा तोपनो: आपस में झगड़ा होता, लेकिन मैंने सब को कहा चुपचाप रहो।

सभापति महोदय: यानी आपका कहने का मतलब है कि उस समय झगड़ा होने की संभावना थी?

कुमारी क्रिड्डा तोपनो: हां, उस समय झगड़ा होने की संभावना थी लेकिन मैं उनको शांत होने के लिए बोली।

सभापति महोदय: आपकी मध्यस्थता में वे चाहते थे कि इस समस्या का कोई हल निकाला जाए, यह ठीक है?

कुमारी क्रिड्डा तोपनो: हां, यह ठीक है।

सभापति महोदय: उन्होंने यह भी कहा था कि आप इन लोगों को समझाएं ताकि ये शांत रहें, ऐसा पुलिस आफिसर ने आपको कहा?

कुमारी क्रिड्डा तोपनो: यह तो मैं अपनी तरफ से बोली।

सभापति महोदय: आपके जो उस कमेटी के मैम्बर्स थे उनकी तरफ से कोई प्रोवोकेशन हुआ?

कुमारी क्रिड्डा तोपनो: वे तो लेडिज़ थीं।

सभापति महोदय: पुलिस वालों ने आपको कहा कि आप जा सकती हैं?

कुमारी क्रिड्डा तोपनो: नहीं कहा।

सभापति महोदय: आपने जो अभी फोटो दिखाए हैं वह कौन से फोटो हैं?

कुमारी क्रिडा तोपनो: हमने जो फोटो दिखाए हैं वह लेडिज़ का और वर्कर्स का फोटो है।

सभापति महोदय: साढ़े छः बजे से लेकर साढ़े चार बजे तक का, इस 8-10 घंटे के पीरियड में क्या हुआ?

कुमारी क्रिडा तोपनो: तब उनको सिर्फ रिक्वेस्ट कर रहे थे कि कोई भी एस॰ पी॰ डी॰ एस॰ पी॰, कलेक्टर आ जाए। आप फोन करके किसी को भी बुलाइए।

श्री रंगराजन कुमारमंगलम: जब आप पुलिस स्टेशन में थीं तो उन्होंने आपको ऐसा कहा कि आप जा सकती हैं?

कुमारी क्रिडा तोपनो: नहीं।

श्री रंगराजन कुमारमंगलम: आप जिस हाल में बैठी थीं वहां से पुलिस स्टेशन में कितनी दूरी होगी?

कुमारी क्रिडा तोपनो: उसमें करीब दो किलोमीटर की दूरी होगी।

श्री पी॰आर॰ कुमारमंगलम: एक्ज़ीक्यूटिव आफिसर का आफिस कहां है?

कुमारी क्रिडा तोपनो: वह सैक्टर-3 में है।

श्री पी॰आर॰ कुमारमंगलम: आप हाल में मीटिंग कर रहे थे, तो क्या वहां आपको गिरफ्तार किया गया?

कुमारी क्रिडा तोपनो: हाल में गिरफ्तार नहीं किया गया। हम लोग तो बरामदा में थे। सब लेडीज़ लोग साथ में थे, बाहर तो हल्ला-गुल्ला हो रहा था। हम लोगों की तरफ से कोई प्रोवोकेशन नहीं हुआ।

श्री ए॰ इन्नकरन रेड्डि: जब डिस्कशन हो रहा था तो क्या पुलिस को कोई कम्प्लेंट किया?

कुमारी क्रिडा तोपनो: पुलिस को तो पहले से ही इन्फरमेशन थी और डी॰एस॰पी॰ वहां पहले से मौजूद थे। सब लेडीज़ लोग वहां गयी थीं और डिमांड कर रही थीं।

श्री ए॰ इन्नकरन रेड्डि: कया आपको बिना कम्प्लेंट के अरेस्ट किया गया?

कुमारी क्रिडा तोपनो: मुझे ऐसा नहीं बताया गया कि कम्प्लेंट हुआ या नहीं।

सभापति महोदय: मैं जानना चाहता हूं कि कितने लोगों को गिरफ्तार किया गया?

कुमारी क्रिडा तोपनो: मुझे एग्जेक्ट तो याद नहीं, फिर भी 10-12 होंगे।

सभापति महोदय: इसके बाद उन लोगों के खिलाफ कोई केसेज़ बनाये गये?

कुमारी क्रिडा तोपनो: ऐसा उनके पास से कुछ नहीं कहा गया।

श्री अन्ना जोशी: मेरी जानकारी में है कि उनके खिलाफ केसेज़ रजिस्टर्ड हुए हैं?

कुमारी क्रिडा तोपनो: शायद हुए होंगे।

श्री अन्ना जोशी: क्या आपके खिलाफ हुआ?

कुमारी क्रिडा तोपनो: मुझे पता नहीं है।

सभापति महोदय: आपको जानकारी है कि वे आपको जानते थे कि आप एम०पी० हैं?

कुमारी फ्रिडा तोपनो: जी। वे जानते हुए भी मुझे पुलिस वैन में क्यों ले गये? रात भर मुझे थाने में बैठाया, मुझे क्यों डिटेन किया? उस समय एस०पी० या कलेक्टर का क्या रोल था?

श्री अन्ना जोशी: जब आपने कलेक्टर से बात की तो उस समय रात का टाईम था, जब वे बोले कि सुबह आकर इन्क्वायरी करेंगे तो क्या वे दूसरे दिन आपसे कांटेक्ट करने आये?

कुमारी फ्रिडा तोपनो: नहीं किया। मैं खुद उनके सर्किट हाउस में लेडीज़ को लेकर गयी क्योंकि वे सुबह चले जाने वाले थे, उनके जाने से पहले हम मिले कि हमारी समस्या का समाधान कैसे होगा?

श्री अन्ना जोशी: क्या कलेक्टर साहब ने आपसे बात की?

कुमारी फ्रिडा तोपनो: उन्होंने कहा कि वे भुवनेश्वर से लौटने के बाद ही इस बात का समाधान करेंगे। रात को बोले सुबह करेंगे लेकिन अभी तक समाधान नहीं हुआ है।

श्री अन्ना जोशी: सुबह उनके जाने से पहले वहां पहुंचने पर उनसे आपकी बात हुई?

कुमारी फ्रिडा तोपनो: बातचीत हुई तो कहा कि 8 दिन के लिए भुवनेश्वर जा रहे हैं, वहां से लौटने के बाद ही समस्या का समाधान करेंगे, एक्शन लेंगे लेकिन अभी तक कुछ नहीं हुआ है।

श्री तेज नारायण सिंह: आपने क्या बयान दिया है?

श्री अन्ना जोशी: क्या आपने कलेक्टर को राईटिंग में कम्प्लेंट किया?

कुमारी फ्रिडा तोपनो: उस कम्प्लेंट की एक कापी ओरिजिनल में मेरे पास है।

सभापति महोदय: एक बात और, जब अन्दर बातचीत कर रहे थे तो उस कमरे में एयरकूलर, फर्नीचर आदि तोड़ा गया, वे कौन थे?

कुमारी फ्रिडा तोपनो: हाल में ऐसा कुछ नहीं था, मैंने नहीं देखा, सब पीसफुल था।

सभापति महोदय: आपको ले जाने के बाद हुआ या उसके पहले हुआ?

कुमारी फ्रिडा तोपनो: हम लोग वैन में चले गये, उसके पहले हो सकता है या उसके बाद हो गया होगा। हमने इस बात को भी मार्क नहीं किया कि उसके पहले या बाद में हुआ होगा।

कुमारी फ्रिडा तोपनो: सभापति जी, क्या मैं आज उड़ीसा जा सकती हूं?

सभापति महोदय: मैं समझता हूं कि आपकी अब कोई जरूरत नहीं है। यदि जरूरत महसूस होगी तो आपको नैक्स्ट मीटिंग में बुला लेंगे। फिर भी क्या आप आज रात को रुक सकती हैं?

कुमारी फ्रिडा तोपनो: जी हां, एक दिन और रुक सकती हूं।

सभापति महोदय: कल रह जाइये। वैसे कोई जरूरत नहीं होगी।

श्री पी०आर० कुमारमंगलम: हमें लगता नहीं कि आपकी जरूरत होगी लेकिन आप एक दिन कल और रह जायें।

कुमारी फ्रिडा तोपनो: कल रह जाती हूं।

सभापति महोदय: क्या आप ट्रेन से जाती हैं या एअर से?

कुमारी फ्रिडा तोपनो: यदि जाने का प्रोग्राम बनेगा तो रिजर्वेशन करा लूंगी।

सभापति महोदय: मेरे ख्याल से, कोई जरूरत नहीं पड़ेगी। कल शाम का आप रिजर्वेशन करा लीजिये, वह ठीक रहेगा। आपने जो कुछ कहना था, कह दिया है। मैम्बर्स ने भी आपसे पूछ लिया है।

कुमारी क्रिड्डा तोपनो: मैंने अपनी स्टेटमेंट भी दे दी है। पार्लियामेंट में जो कुछ कहा था, वह भी आपके पास है। यदि दूसरी बार बुलाने की जरूरत हो तो 24 जनवरी के आसपास बुलायें तो अच्छा रहेगा क्योंकि तब हमारी एक मीटिंग और है वर्ना आने जाने में प्रौब्लम रहता है।

सभापति महोदय: ठीक है, वैसा कर लेंगे। वैसे जनरली 24 जनवरी के आसपास काफी मीटिंग्स होती हैं। यदि जरूरत होगी तो आपको बुला लेंगे।

श्री अन्ना जोशी: मैं यह पूछना चाहता हूं कि जिस हाल में आपको रखा गया था उसके बाहर या पुलिस के लोग मौजूद थे या नहीं?

कुमारी क्रिड्डा तोपनो: वहां इंसपैक्टर हम लोगों के साथ बैठे थे। उन्होंने कहा कि हल्ला गुल्ला करने वालों के पास जाने से, आप यहीं बैठिये।

सभापति महोदय: इसमें एक इम्पोर्टेन्ट प्वांइट यह है, जिसे कमेटी ने देखना है—Normally, the Committee or the Lok Sabha Secretariat does not communicate with the State Governments. They have to do it through the concerned Ministry. In this case the Home Ministry is involved.

यहां से होम मिनिस्ट्री को जो पत्र भेजा गया, उसके 22 दिन बाद होम मिनिस्ट्री ने उड़ीसा गवर्नमेंट को लिखा कि यह मैटर लोक सभा सेक्रेटेरियेट की ओर से रिपोर्ट किया गया है। इसलिये इस मामले में होम मिनिस्ट्री के आफिशियल्स को भी बुलाना होगा। उन्होंने लोक सभा के पत्र को इतना लाइटली क्यों लिया। उड़ीसा के होम सैक्रेटरी और चीफ सैक्रेटरी आ रहे हैं। उनकी एक्सप्लेनेशन यही है कि हमने इसमें कोई डिले नहीं की। उन्होंने ऐवरीडे का रिकार्ड बताया है कि उस दिन छुट्टी थी, उस दिन ऐसा हुआ।

श्री पी०आर० कुमारमंगलम: होम मिनिस्टरी में हैड ऑफ द डिपार्टमैंट को बुलाना चाहिये।

सभापति महोदय: आगामी मीटिंग में उन्हें बुला लेंगे, जब नैक्स्ट मीटिंग फिक्स करेंगे। कल उड़ीसा से कुछ अधिकारी आ रहे हैं—डिप्टी एस०पी०, एक्जीक्यूटिव आफिसर, एस०पी० होम सैक्रेटरी और चीफ सैक्रेटरी। अब हम कल 11.00 बजे मिलते हैं। थैंक यू।

(The witness then withdrew.)

Wednesday, 8th January, 1992

PRESENT

Shri Shiv Charan Mathur—*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Venkata Krishna Reddy Kasu
7. Shri P.R. Kumaramangalam
8. Dr. Debi Prosad Pal
9. Shri Bhagwan Shankar Rawat
10. Shri Tej Narayan Singh

SECRETARIAT

1.Shri T.S. Ahluwalia—*Director*

2.Shri S.C. Rastogi—*Under Secretary*

WITNESSES

1. Shri R.K. Rath, Chief Secretary to the Government of Orissa,
2. Shri Gunanidhi Jena, Executive Officer, Notified Area Council (Steel Township), Rourkela,
3. Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela,
4. Shri Jogendra Pattanaik, Officer-in-charge, Sector 7 Police Station, Rourkela,
5. Shri S.K. Pradhan, Superintendent of Police, Rourkela
6. Shri B.C. Patnaik, Home Secretary, Government of Orissa, and
7. Shri P.C. Mitra, District Magistrate, Sundergarh, Orissa.

(The Committee met at 11.15 hours and again at 15.30 hours.)

(1) *Evidence of Shri R.K. Rath, Chief-Secretary, Orissa.*

Mr. Chairman: Shri R.K. Rath, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding the alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2nd November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee will be reported to the House.

Now you may please take oath or mark affirmation as you like.

Shri R.K. Rath: I, R.K. Rath swear in the name of God that the evidence which I shall give in this case shall be true and I conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: Mr. Rath, are you aware of the fact that Kumari Frida Topno, Member of Parliament from your area was allegedly arrested on the 2nd November, 1991 outside the office of the Executive Officer of the Notified Area Council of Steel Township. She was kept for a period of about ten hours in the police station at Sector Number 7. Did you have any information about this incident immediately on the happening of the incident? When were you informed about that?

Shri R.K. Rath: We received an intimation from the Ministry of Home Affairs and thereafter we immediately sent a reply saying that she was not arrested and, therefore, the question of informing the Speaker did not arise. Then on a message originating from Delhi on 27th November, which was received by us on the 30th of November, we were asked to give a detailed report. This detailed report was submitted on the 6th of December. As I mentioned this message of 27th was received by us on the 30th. The First of that month was a holiday. We got the report from the Police. But, considering the importance of the issue, we thought it necessary to have a counter-check. So, we asked our State Intelligence Agency to go into the facts. Then, we checked that report and sent a detailed report to the Home Ministry. I will make another submission that on the 3rd of December, there was a serious law and order trouble in Bhubaneshwar itself and that explains the delay that occurred in our intimation to the Home Ministry.

Mr. Chairman: Mr. Rath, I think, you have to make a distinction between sending a detailed report to the Government through the Home Ministry, and sending the information about the detention or arrest whatever may be, to the Secretary-General of the Lok Sabha. Do you make any distinction between these two? I can understand that delay may occur in sending the report.

Shri R.K. Rath: Yes, we do. I have explained the reasons for the delay. I explained. Before I come to that question, we sincerely apologise for that delay. But, as regards the intimation, I have gone through the records and it appears to me that while the hon. Member may have had a bonafide impression that she was under arrest, the records did not indicate that she was under arrest. The local officers took the view that since she was not arrested, there was no occasion for informing that to the Lok Sabha. This was the view that was taken by the local officers.

Mr. Chairman: Did she remain in Police Station for about ten hours?

Shri R.K. Rath: She remained there from 6 p.m. till about well-past mid-night. What she said about this, is a fact.

Mr. Chairman: So, from 6.30 p.m. till 4.30 in the morning, she remained there, that is for nearly ten hours.

Shri R.K. Rath: Yes, Sir.

Mr. Chairman: In the Police Station, did she not ask for a discussion in regard to some meeting?

Shri R.K. Rath: May I explain the circumstances under which she was brought there? It would lead me to bring in, the facts of the case. If you permit me, I will go into the background and take the time of this Committee a little longer.

There was a Mahila Samiti at Rourkela and the election of the President of that Mahila Samiti had created a lot of controversy between two political camps. One group met on the 2nd of September and elected a President and the election was communicated to the Executive Officer of the Notified Area Council on the 20th September. Then, the Executive Officer took this view that he had no prior intimation; and that a regular meeting should be convened in the presence of the Community Organiser. She held a meeting on the 26th of September. Unfortunately, in that meeting, there were acrimonious allegations amongst the Members and they could not come to a conclusion. So, the meeting ended inconclusively.

Mr. Chairman: Is this Committee a nominated Committee or a Registered Body?

Shri R.K. Rath: It is under the Urban Basic Scheme which is aided by the UNICEF. The Object of this Scheme is to bring about socio-economic development of the slum areas.

Mr. Chairman: I am asking you as to whether this is a registered body under the Societies Registration Act or it is a nominated body, nominated by the Notified Area Council.

Shri R.K. Rath: That is not a nominated one. The residents of the slum areas gather in groups and they elect Community Volunteers.

Mr. Chairman: Under which provisions?

Shri R. K. Rath: They have a bye-law.

Shri Amal Datta: What is the legal status of this Committee? If it is not registered under the Societies Registration Act, then, what is its legal status?

Shri R.K. Rath: We will have to clarify that. It is in pursuance of that Scheme that the Community Volunteers were elected and the Community Volunteers in turn, elected the President. Later on, there was some difference of opinion between some of tne Community Volunteers.

Mr. Chairman: I am asking a very straight forward question. *Suo motu,* the residents of a particular area of the community do elect certain people as members, on their own. But, under what provisions they do that? It is under the Urban Board Scheme about which you just said or is it under the Societies Registration Act?

Shri R.K. Rath: I make an apology. What I know is that, they have a bye-law. Kindly forgive me; I cannot tell a thing about which I am not absolutely sure. They have a bye-law and under that bye-law, they have to elect a President. As I mentioned earlier, on 26th October, the hon. Member wanted the Executive Officer to convene a meeting, so that the President's election takes place within two days.

Mr. Chairman: But, the President was elected, you told.

Shri R.K. Rath: There was President. But, most of the Community Volunteers, in the meeting which was held on the 2nd September removed that President. They sent that intimation which reached the Executive Officer on the 20th September. Then, he said that this meeting was not properly constituted; and that the Community Organiser has to be present in the meeting; and so, in her presence, he asked then to take a decision.

Thereafter, the Community Organiser tried to convene a meeting on the 26th September which could not be concluded because there were acrimonious exchanges among all the members present. On the 26th October, nearly a month later, the Executive Officer received a communication from the hon. Member requesting him to convene a meeting for the election of the President within the next two days. Then, on the 30th October, some of her supporters along with 30 to 40 ladies came to the NAC Office and demanded the change of the President. They were informed that the President could not be changed unilaterly by the Executive Officer and that a meeting will be held on the 1st of November.

But, on the 31st of October, another group belonging to another camp with a different political affiliation arrived and protested against the convening of the meeting which has been convened by the Executive Officer. On the 1st of November when the meeting was scheduled, the Executive Officer informed the Additional District Magistrate that there was considerable ill-feelings among different groups of the members. He then suggested the dissolution of the Committee so that new Volunteers

could be elected and a new President takes Office. This was his report to the Additional District Magistrate. Now the material date is 2nd November to which hon. Chairman has made a reference. On 2nd November, a number of persons, allegedly belonging to the camp of the hon. Member, came to the NAC office at about 11.00 a.m. They caused considerable damage to the office, broke the furniture, disturbed the articles, etc. The Executive Officer was not present in the office. At 12.30 p.m. on the same day, he arrived in the office and the members, who had come there, consisting mostly of women, demanded an immediate meeting to elect the President. The police arrived in the meantime. The hon. Member was not present at that time. She sent word that she would arrive later on. I may be wrong by five minutes this side or that side. At 2.20 or 2.25 p.m., she arrived alongwith some of her followers and demanded the election of the President then and there. The Executive Officer, who had arrived in the meantime, told her that it was not possible. A proper notice had to be given. This argument continued for quite some time. The Executive Officer complained that he was not even allowed to go out for lunch or to attend to calls of nature. He was gheraoed and was not allowed to go out.

Anyway that is immaterial. In the meantime another group consisting of 100 persons, mostly men belonging to a different camp, arrived. There was considerable tension. Some people, mostly consisting of women were inside the NAC office. Some people, consisting mostly of men were outside the office. There was slogan-shouting by both the parties and the situation became very tense. Then the officer-in-charge of the police station interposed under section 149 of the CrPC. He politely requested the Member of Parliament and others to leave the place. As a matter of fact, the MP had her own vehicle. She was requested to take her own vehicle and the police officer also said that he was prepared to escort her.

As far as the other members, who were mostly ladies, were concerned, they had to be rescued. If these men broke open the gate and had come there, you could imagine the situation. You can imagine the consequences. They were taken in. As a matter of fact, a very large truck was brought inside the office. Half of the truck was kept outside the gate. Half of it was inside. They were all taken with a view to rescuing them.

The MP, according to these reports, was not arrested. Nor was she asked to get into this truck. She said that since she had come with her followers, she would like to accompany them and she would like to travel in the police vehicle. She was then put in the police vehicle and taken to the police station. Till then, none of them had been arrested.

I am sure the Committee has this document. It would be clear from the last sentence of the FIR, which is in Oriya, by Shrimati Prabhasini Das, that they have come to the police station with the help of the police and are lodging the FIR in the police station. That would perhaps strengthen the argument that if a person says that she has come to the police station—

she and her followers had come to the police station with the help of police, the theory of arrest does not stand scrutiny. In the meantime, the Executive Officer lodged an FIR in which he complained against the ransacking of his office by some of the followers of the hon. MP. Eleven of them—mostly men consisting of two women and nine men—were immediately arrested and released on bail by the police because the offences were bailable offences.

Mr. Chairman: To which camp did the persons, who were arrested there, belong?

Shri R.K. Seth: To the MP's camp. I can give the names. These were the persons who were accused of trespassing into the Executive Officer's office and causing damage to the furniture and other property. Now, 70 persons were present belonging to the MP's camp. And only about 10-11 people were arrested and released on bail out of those 70. The others were not arrested.

Mr. Chairman: Among those 70, MP was also there?

Shri R.K. Seth: Yes. I can give the names of those persons who were arrested. They were: Laxmidhar Mallick, Bikas Mansingh, Niranjan Das, Sarada Naik, Prabhat Mahapatra, Bijaya Apat, Satyananda Mohanty, Rashmi Ranjan Nanda. The two women were Shrimati Chandana Bhadra and Shrimati Patnaik. In the meantime, it was raining very hard and they could not go out. Food was served to the MP and to others. The party workers brought food for them in the police station.

Mr. Chairman: In what capacity the Member of Parliament was taken in the police vehicle? The report that I have is she requested. She was asked to come in her car if she wanted to accompany her colleagues. She said: No, they have come with me. I must go with them. It was on her insistence that she was brought here.

Shri R.K. Rath: This was a mistake. I think, the police did not use their discretion properly. And I am sorry for that.

At about 12.30, she rang up the Collector who was camping in the Circuit House. The Collector also offered...

Mr. Chairman: You are going into the story further. When 10 persons were arrested, eight were men and two were women. Isn't it?

Shri R.K. Rath: Yes Sir.

Mr. Chairman: As you say, the police did not want to arrest her. But she insisted to go and she was actually taken to the thana in a police van and you also say that the police wrongly accepted her request. According to you, does she come in the category of those 11 persons?

Shri R.K. Rath: No. The allegation against those 10 or 11 people was that of trespass.

Mr. Chairman: Was the Member of Parliament also among one of the 70 persons who allegedly created damage to the property of the office of the Executive Officer?

Shri R.K. Rath: I am trying to explain one fact. The arrest took place on specific charges. The charges were of trespass and causing damage, etc. to the property of the Notified Area Council.

Mr. Chairman: Was it by those 70 persons?

Shri R.K. Rath: It was by a crowd of these ten people.

Mr. Chairman: Is it that these ten persons were identified out of those 70?

Shri R.K. Rath: As I mentioned earlier, when this incident of ransacking took place, the Member of Parliament was not present. She came later at 2.30 whereas ransacking took place at 11 O'Clock. Since there was no allegation against her, there was no occasion for placing her under arrest. An FIR was lodged by the Executive Officer.

Dr. Debi Prosad Pal: At what point of time was the FIR lodged?

Shri R.K. Rath: At about 10.45 P.M.

Dr. Debi Prosad Pal: When there was no FIR lodged, why were these persons taken to the police station at 6 PM? Why were they taken under police custody?

Shri R.K. Rath: It is not like that. As I explained earlier, they were rescued in pursuance of the interposition by the police because there was an apprehension.

Mr. Chairman: As you have been in the Government, you may know that normally when such a crowd is there, they are removed from the site under Section 127 and released somewhere. They are never taken to the thana.

Shri R.K. Rath: I agree and I fully take the Chairman's point of view. Normally, they are taken and left somewhere. But kindly appreciate that this was a group of women, that is, a crowd mostly of women. If they are left midway, then there was some apprehension to their security, etc. That is why, they were taken to the police station as they could not be left midway.

Mr. Chairman: They could have been left at safer place. At 4.30, when they were released, they were asked to go on their own. The police did not send them.

Shri R.K. Rath: We offered the police vehicle to leave them at a convenient place.

Mr. Chairman: We have seen the log book. Nowhere it is mentioned that the detenue, or whatever you may call them, were left at their respective houses. They were left at 4.30 and they were supposed to go on

their own to their residences. Leaving them somewhere at 4.30 in the morning was safer or leaving them at their houses at around 6.30 was safer?

Shri R.K. Rath: This was the question I asked my officers also and they said that they indicated a common and convenient place where they could be dropped. As far as this point is concerned, only those officers will be able to clarify when they will be appearing before the honourable Chairman. They were indicated a safe place and you might have seen the report also that it was raining heavily.

Mr. Chairman: Rescue does not mean that they should be taken to the police station. Rescue means they could have been left at some safe place.

Dr. Debi Prosad Pal: They were taken to the police station at 6.30 and upto 10.45, no FIR was lodged and at that time, there was no charge or allegation against them before the police station. Why were they detained from 6.30 PM to 10.45 PM?

Shri R.K. Rath: My submission is that they came to the police station and we requested them to go but they did not go. It was not a question of detaining them.

Mr. Chairman: There is a difference between the two statements.

Shri R.K. Rath: They were rescued and brought to the police station and later on, when an offer was made they continued to say that they will not leave the police station till the date of election fixed.

श्री राम नारायण बैरवा: आपके नोटिस में कलेक्टर ने लाया। उसी रात को दो बजे एम.पी. ने एक एप्लीकेशन कलेक्टर को दी। उसमें कहा कि मुझ को गिरफ्तार किया गया है और रात को दो बजे मुझे गाड़ी में रखा गया। क्या ऐसे में आपने कलेक्टर साहब से बात की और वैरिफाई किया?

Shri R.K. Rath: I was not in the picture.

Shri Ram Narain Berwa: Did you inform or verify the position with the DM?

Shri R.K. Rath: I asked the DM later. He said at about 12 O'clock or at 12.30, she contacted him by telephone from the police station and said that her people are in the police station. The District Magistrate offered to go there and provided her with transport but she declined though the next morning, she met the DM also. Now, what the hon. Member says is that on the 3rd, she gave a letter to the DM and that letter was given by her at the police station addressed to the Collector. This is true.

Mr. Chairman: I feel that you are trying to impress upon the Members of the Committee that she was not arrested.

Shri R.K. Rath: That is my opinion.

Mr. Chairman: But are you aware of Section 57 of the Code of Criminal Procedure where custody and detention have been clearly defined?

"*In custody:* Where the accused were not allowed to leave the thana

or go to their homes, they were detained in custody within the meaning of this Section and the same fact of their not being a special guard over them would not alter the nature of their position. The police officer has no authority to detain an arrested person in police lockup after the Magistrate has ordered him to be sent to judicial lockup.

Period of detention: Although this Section gives power to a police officer to detain an accused person for a period of 24 hours, still in no case is a police officer justified in detaining a person for a single hour without bringing him before the Magistrate except upon some reasonable ground justified by all the circumstances of the case. The upper limit of detaining, for not producing the detenue before the Magistrate is 24 hours and if this period is passed without compliance of Sections 56 and 57, the detenue should be released forthwith. The constitutional legal requirement to produce an arrested person before a judicial Magistrate within 24 hours of the arrest must be scrupulously observed."

Under Article 22 of the Constitution anybody who is to be detained must be produced before the magistrate within 24 hours of the arrest. Then there is another provision, Rule 229 of the Rules of Procedure and Conduct of Business of Lok Sabha, where simple information is required to be sent to the Lok Sabha Secretariat.

Every day some or the other Member of Parliament or even the Members of Legislative Assembly are arrested for one reason or the other. In any case the Speaker is immediately informed about this even though they are released within one hour of the arrest. Do you know that there are such rules?

Shri R.K. Rath: As I tried to submit before the Committee, there was no arrest of the hon. Member because there was no allegation against her. No detention or preventive detention also took place because she insisted on coming to the police station.

Mr. Chairman: What for was she there in the thana for 10 hours?

Shri R.K. Rath: Sir, despite our request that she should leave, she did not want to go as she did not want to desert her colleagues. One lapse which you have mentioned might have taken place and that is that the district magistrate should have informed the Lok Sabha Secretariat regarding her letter dated 3rd November. I think he took a formal view that since there is no arrest, it is not his duty to inform the Secretariat.

Mr. Chairman: Though they considered that it was not arrest or detention but the fact that she remained in the thana for 10 hours should have been brought to the notice of the Secretariat.

Shri R.K. Rath: Our view is that she stayed there on her own.

Mr. Chairman: She informed the collectorate on phone also.

Shri R.K. Rath: As far as the telephone call is concerned, the collector offered to take her to her house in his own transport but she said that she is not interested to go and that she will stay with her people. She requested us that we should immediately look into the matter.

Mr. Chairman: And the Collectorate said that this is a routine matter and I will look into the case in the morning.

Shri R.K. Rath: Sir, he will appear before you and then you can ask him but the information that I have with me is that in the night this telephone call came and she did not complain of the arrest. She said that she is here on this issue and the matter should be looked into. The Collectorate took the view that this is a matter which is to be looked into in some detail. As far as here inconvenience is concerned, the Collectorate was prepared to offer his transport to take her home. The hon. Member and the Collectorate had discussion on phone. The Collectorate then instructed the DSP to look after her comforts.

I would like to clarify that it was not our intention to conceal any fact. I am myself going to find out what was the lapse.

Mr. Chairman: It is not the question of concealing the facts. The Committee would like to go into it in different manner. Even if there is detention of an hon. Member for an hour, the Lok Sabha Secretariat is informed of the same. She remained in the thana for 10 hours continuously, how can you justify that it was not detention and accordingly, the Lok Sabha Secretariat need not be informed?

Shri R.K. Rath: The first mistake that they did was having brought her in the Police Station in the police vehicle they took the view that it is not a question of detention as she had come on her own will and did not inform the Lok Sabha of the same. Had they informed the Lok Sabha then this misunderstanding would not have been there.

Mr. Chairman: What is the view of the Government of Orissa?

Shri R.K. Rath: Sir, they took the view that since it was not a detention they need not infom the Secretariat but the fact that she came to the police station along with other persons should have been told to the Lok Sabha.

Mr. Chairman: So, your view is that they erred in informing the Lok Sabha Secretariat.

Shri R.K. Rath: I do not know how to put it but there was no lack of good faith. I will request the Committee that since no *malafide* intention was there the Committee may take a lenient view. As you yourself have pointed out these arrests take place very often and there has not been a single case in Orissa where they have arrested a Member of Parliament but failed to report to the Secretariat. I hope that the view that was taken by local officers in this case is that it was neither a case of arrest nor of detention, but the fact that she was there in the Police Station for such a

long time justified intimation to the Lok Sabha Secretariat. I would advise my officers accordingly. I would be grateful if a lenient view is taken.

Shri Amal Datta: Have you seen the complaint of the executive Officer? You see the second page of the complaint and the last paragraph.

Shri R.K. Rath: What the hon. Member is referring to is on page 3.

Shri Amal Datta: No. You said, "The MP and all others present including Mohanty and Mohapatro insisted to convene the meeting then and there."..etc. Then, "I put forth that the meeting could not be held. Then they did pay heed and sat in..." She said, "I was wrongfully confined till 6.30 PM" Now the persons against whom accusations have been made included Miss Topno. Then in the meantime the Police arrived and arrested some people and they were place in the Police Station. The place was full by 10.45. Those people who were supposed to have been rescued are the very people against whom the complaint has been received and they are the people who were arrested. This seems to be curious that you call it rescue and then arrest the same people.

Shri R.K. Rath: There were two instances. As I have said, at some point there was an earlier trespass and ransacking of the Executive Officer's office when he was not present. At 11 O'Clock it happened. Later on when the MP came along with her supporters, there was a discussion about holding of a meeting and then I clarified that this discussion continued tormittently and the Executive Officer was not allowed even to take his lunch. The Police is not going to arrest everyone just because the complaint mentions his name. They arrested some people on the specific charge of trespass and damage of official property. There was no question of arresting her.

Shri Amal Datta: She says that she was wrongfully confined for two hours.

Shri R.K. Rath: The persons whom I have listed, alone were arrested.

Shri Amal Datta: You are saying that the persons who were taken were all persons who were being rescued and not being arrested. This is a basic conflict. You are saying that the persons were not arrested, whereas the Executive Officer says that they were arrested and taken away in a police vehicle. You say that they were not arrested but they were rescued. But they were arrested later. Either the MP along with these people was arrested and taken away or taken away and arrested, the MP was included. The entire administration will be coming before us and saying that the MP was not included. Whom are we to believe?

Mr. Chairman: The Executive Officer's report is treated as the F.I.R.

Shri R.K. Rath: Yes. Seventy persons were rescued and brought to the Police Station. Only ten were arrested, which means sixty were not arrested. The FIR is lodged by the Executive Officer. The law is not that whomsoever one names in the FIR is to be arrested. Ten persons were

arrested on the specific charge of damage to official property. The Executive Officer has committed this mistake. It was his impression that when they were taken away in the police vehicle they were arrested. You will see that his knowledge of law and English is not so good.

Shri Amal Datta: The Executive Officer says that she was arrested. Everybody comes up with his own views. Although the complaint also includes the MP, you have not included.

Shri R.K. Rath: After receipt of the latter of the MP it would have been proper to inform her that she was there on her own will and she was not arrested.

Shri Amal Datta: The SP and other police officers were informed. It is there in the Police diary itself. What did the SP do? The hon. Member was contacted only at 12 O'Clock. It is a very funny case. All are fabricating, please do not fabricate.

Shri R.K. Rath: I am going by the record.

Shri Amal Datta: Your duty is not to go by the records alone. Your duty is also to ask your officers. You should be able to explain what practice has been followed under your guidance and by the State. We will tell you what practice you should have followed.

Shri R.K. Rath: I have myself stated that after the receipt of that letter of the MP which in fact reached late, there should have been a communication explaining the facts to the hon. Member of Parliament so that this misunderstanding would not have been created.

Secondly, I have cenceded there that the E.O. has not been correct in lodging that FIR. It is also not the law that whomsoever the FIR mentions has to be taken into custody and the Collector himself offered to take the MP to her house in his own car. But she did not agree to this.

Mr. Chairman: That is not corroborated by facts. she says that she contacted the Collector on telephone and he said that he would look into it.

Shri R.K. Rath: There are two things. One is about her staying in the police station. The second is the issue about elections.

Mr. Chairman: My query is this. How will you react in such cases as the Head of the Administration? They are in the custody of the police for ten hours.

Shri R.K. Rath: It is not my intention to defend an errant officer. At the same time, I must place the facts before the Committee. As I mentioned earlier, the interposition took place. The persons involved were mostly women. It was after evening and the situation was very tense. That is why, instead of leaving them somewhere, the police brought the women to the police station. Because of the fact that the

hon. Member was there for an half an hour, if the hon. Committee feels that....

Mr. Chairman: How will you react as the Chief Secretary, when an M.P. is to face such a situation?

Shri R.K. Rath: I feel very sorry for the inconvenience.

Shri Amal Datta: Are there any guidelines in your State in this regard? when a Member of Parliament is arrested, the police through proper channel should have informed you so that the matter could immediately be dealt with as to whether she should be under continued detention or any other steps should be taken and thirdly it should have been informed to the Lok Sabha Secretariat. These three steps have been taken immediately.

Shri R.K. Rath: In order to inform the Lok Sabha, it need not be routed through the Chief Secretary. If any arrests are made, the Lok Sabha Secretariat is informed about the matter immediately. Kindly believe us. We have the highest respect for this institution.

Shri Amal Datta: Have you seen the station diary book, page 62?

Shri R.K. Rath: I have gone through it.

Shri Amal Datta: It was recorded that the lady Member left after thanking for the hospitality. But it is not explained here as to what the Collector and the SP did? Why could they not go to the police station? Did they not inform the SP earlier?

Shri R.K. Rath: Whether or not it is arrest or detention, I do concede that when an MP is involved, the SP should have visited the police station. As a matter of fact, the Collector did offer to go there. But the Hon. Member said that all she wanted was a date for elections immediately. The SP should certainly have gone and looked her up, when she was in the police station.

Shri Amal Datta: Would you like to issue further guidelines in this matter?

Shri R.K. Rath: Yes Sir, I would do so.

Mr. Chairman: The way the situation was handled by the SP and the Collector was not correct. Have you made an inquiry into this matter and issued instructions to them?

Shri R.K. Rath: As regards the Collector, I am convinced that there has been no lapse on his part. He had offered to go there. I am willing to admit that the SP should have gone there, when there was a dignitary in the police station. I will issue a direction to this effect.

Shri Amal Datta: Did you inquire the Collector in writing and did he give a written reply?

Shri R.K. Rath: I contacted him on telephone. I had discussed the matter with the Revenue Divisional Commissioner.

Shri Amal Datta: The matter is grave enough to have a record in writing. He should have written to you. I am not satisfied, the way the matter is handled.

Shri R.K. Rath: Kindly appreciate the fact that Rourkela is far away from Bhubaneshwar.

Mr. Chairman: The meeting was postponed from 1.11.91 to 2.11.91. Why was it postponed?

Shri R.K. Rath: This notice was issued on the 30th.

Shri R.K. Rath: As regards postponing of the meeting, I was myself unhappy about the postponement of the meeting. But then the Executive Officer's plea was that if we had the meeting, there would have been some breach of peace and law and order. I made it clear to him that it was the duty of the administration to prevent breach of peace. If the residents wanted to elect their representative, it was our duty to ensure that they elected their representative. After this hearing, I will take a view on this about expeditious election of this committee. As I have explained in my note, the residents must have the right to choose their own elected representatives and it is the duty of the administration to ensure that they exercise this right.

Dr. Debi Prosad Pal: At what point of time did this incident take place?

Shri R.K. Rath: At about 11 O'clock in the morning.

Dr. Debi Prosad Pal: You say that there were two incidents and the last incident was that certain property of the office was ransacked. Those who were inside the office belonged to a particular political camp and according to your statement, most of them were ladies and most of those who were outside were men. This incident took place at 11 a.m. and at six O'clock these persons were taken to the police station. There was no hint by anybody that some of them were the alleged accomplices and that the FIR was to be filed against them. From six O'clock onwards they were in the police station and the hon. Member of Parliament was also there. At 10.45, *i.e.*, about five hours later, when they were in the police station, some FIR was filed against ten or twelve persons. The whole thing seems to be an incredible one, particularly when the Member of Parliament was also in the police station. You may not formally make any allegation against the M.P. but the persons against whom those allegations were made, belonged to the M.P.'s camp. So, can it not be taken that this FIR was an after-thought and though formally the hon. Member of Parliament was not arrested, but she was kept in the police station which was nothing but detention. If there was a detention of the hon. Member of Parliament and she was there for more than ten hours, was it not the duty of the S.P. to inform the higher authority that a Member of Parliament was there in the police station for more than ten hours? Being the head of the administration, was any step taken by you to know why the higher authority was not informed?

Shri R.K. Rath: Coming to the first point, I have already indicated the areas where the conduct of the police could have been better. But as far as this particular incident of keeping them away from the crowd which was in an aggressive mood is concerned, I can find no fault with the police. It is the duty of the police to protect the honour and security of citizens,

particularly of women. The people who were outside the gate, belonged to a different political camp. The particular road was under construction. There was a collection of boulders there. I personally think that the police acted correctly in preventing intrusion by these people into the campus, otherwise the consequences would have been more terrible than what we are discussing today.

Dr. Debi Prosad Pal: Those against whom FIR was lodged were outside the office or within the office?

Shri R.K. Rath: Sir, this trespass and damage to the property took place by the followers of the M.P. who were inside the Council Hall.

Dr. Debi Prosad Pal: According to you, many of the followers of the M.P. were women. So, do I take it that this FIR was lodged against those women?

Shri R.K. Rath: I never said that they were all women. .

Mr. Chairman: This question of ransacking the office took place at 11 O'clock and the report of the Executive Officer was filed at 10.30 in the night, i.e., about eleven hours after the incident. Was it an after thought, that is what the hon. Member wants to know.

Shri R.K. Rath: Sir, if it was an after thought and the case was false, then it would come out in the investigation.

Mr. Chairman: Immediately after the incident took place, you should have informed the police.

Shri R.K. Rath: Sir, he arrived in his office at about 12.30 p.m. from that time till 6.30 p.m., he was in the office. He was not allowed to go out. That explains the delay.

Mr. Chairman: Are you satisfied that the ransacking was done by the followers of the M.P.?

Shri R.K. Rath: Sir, as long as the investigation is not over, it will not be correct to take a view. If the hon. Committee, wants, I will entrust the supervision of this case to a more senior officer.

Mr. Chairman: That should have been done long back and some positive guidelines should have been issued to the people as to how to deal with the Members of the Parliament.

श्री भगवान शंकर रावत: इन्वेस्टीगेशन पूरा करने के लिए कोई निर्देश दिया है कि कब तक यह पूरी होगी?

Shri R.K. Rath: Sir, this investigation we will expedite. I will advise the S.P. that he should have found out the facts and called on the M.P. and explained the facts to her. I would be grateful if the Committee accepts this.

श्री भगवान शंकर रावत: आपने बताया था कि पुलिस का एक पार्ट आपत्तिजनक था उसके बारे में आपने क्या कोई एक्शन लिया है?

Shri R.K. Rath: The earlier incident of police van is an error in

discretion and the other thing, i.e., not showing appropriate courtesy to the hon. Member is also an error.

श्री भगवान शंकर रावत: क्या आप संतुष्ट हैं कि पुलिस ने यह एरेर किया, उसको रेक्टिफाई करने के लिए क्या किया?

Shri R.K. Rath: I had told the Commissioner that he should have ensured that if not on the same night, at least next day he should have gone there. I also told him that the legislators and the administration must work together and there must be amity between the two.

Mr. Chairman: Thank you very much, Mr. Rath. You can go now.

(The witness then withdrew)

(2) *Evidence of Shri Gunanidhi Jena, Executive Officer, Notified Area Council (Steel Township), Rourkela.*

Mr. Chairman: Mr. Gunanidhi Jena, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding the alleged arrest of Kumari Frida Topno, M.P., by Orissa Police at Rourkela on 2nd November, 1991, and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or make affirmation as you like.

Shri Gunanidhi Jena: I will take oath, Sir.

(The witness then took oath)

Mr. Chairman: Mr. Jena, you are the Executive Officer of what?

Shri Gunanidhi Jena: I am the Executive Officer of the Notified Area Council (Steel Township), Rourkela.

Mr. Chairman: Is this NAC under the administrative control of the Steel Plant authority?

Shri Gunanidhi Jena: No, Sir, it is under the administrative control of the Government in the Housing and Urban Department.

Mr. Chairman: What are the functions of this NAC?

Shri Gunanidhi Jena: The functions of the NAC are to ensure basic amenities to the city dwellers so far as sanitation, health, education and other allied matters are concerned.

Mr. Chairman: Do you function through your staff or through some committees?

Shri Gunanidhi Jena: I function under the Urban Local Body which has a Council comprising of 29 members, of which sixteen are Rourkela Steel Plant officials and of whom the General Manager (Projects) is the Chairman and the Additional District Magistrate, Rourkela, the Superintendent of Police, Rourkela and the Sub-Collector, Rourkela are *ex-officio* Councillors. Besides that the Minister of Industries, Orissa and local MLA are also an *ex-officio* Councillor and the Member of the Legislative Assembly Shri Rabi is also an *ex-officio* Councillor. Besides that we have 8 nominated councillors. Altogether we have 29 councillors.

Mr. Chairman: If an MLA becomes a Minister in that case also, is he a Member of the Council?

Shri Gunanidhi Jena: He has a nominee for that matter.

Mr. Chairman: Does he preside over the meeting or does he simply attend the meeting?

Shri Gunanidhi Jena: He simply attends the meeting and has a voting right.

Mr. Chairman: Do you have any committees functioning under this Council?

Shri Gunanidhi Jena: We have as many as 8 sub-committees like the Health Committee, Finance Committee, Slum Committee and so on.

Mr. Chairman: Do you know about the Sarala Mahila Samiti?

Shri Gunanidhi Jena: Yes, It is a neighbourhood committee under Urban Basic Services which has 13 members and they are known as Resident Community Volunteers.

Mr. Chairman: Are they elected members or nominated members?

Shri Gunanidhi Jena: They are selected by the householders.

Mr. Chairman: Are there any bye-laws?

Shri Gunanidhi Jena: Yes, Sir.

Mr. Chairman: How are they selected?

Shri Gunanidhi Jena: They are selected in the general body meeting of the slum dwellers.

Mr. Chairman: What is the minimum number of persons required for selection of such a committee?

Shri Gunanidhi Jena: Normally it is fifty. 200 households can frame a neighbourhood committee and ten to twenty households can have a representative of their own by way of selection who will be known as Resident Community Volunteer and all the resident community volunteers together shall select a representative who shall be called a Convenor and

according to the bye-laws who would be known as the President.

Mr. Chairman: When was the Sarala Mahila Samiti constituted?

Shri Gunanidhi Jena: It was constituted in the year 1989.

Mr. Chairman: Was it functioning also?

Shri Gunanidhi Jena: Yes, Sir.

Mr. Chairman: Was there any complaint about the working of this Samiti?

Shri Gunanidhi Jena: Only on 16th September, 1991 I got an information from some of the signatories of whom only three were the Resident Community Volunteers, about its functioning. I entrusted the enquiry to the Community Organiser and the Community Organiser held a meeting on the 20th of September, 1991. But the meeting could not be held due to quarrels among the resident volunteers.

Mr. Chairman: What was the complaint?

Shri Gunanidhi Jena: The complaint was to dislodge the President.

Mr. Chairman: Was there any defalcation of funds?

Shri Gunanidhi Jena: No, Sir.

Mr. Chairman: What was the complaint?

Shri Gunanidhi Jena: It was said that the President was not acting according to the wishes of the Resident Community Volunteers particularly the three signatories.

Mr. Chairman: We are told that out of the 13 members, about 10 members made a complaint against the President. Is that so?

Shri Gunanidhi Jena: No, Sir. On 2nd September, 1991 there was a meeting of its own consisting of three of the Resident Community Volunteers and no more volunteers were there. In the meeting they said, "we hereby dislodge the President and elect the President, Vice-President and the Secretary as per the petition."

Mr. Chairman: What was the date?

Shri Gunanidhi Jena: It was 2nd of September, 1991.

Mr. Chairman: What action did you take?

Shri Gunanidhi Jena: I immediately passed the order and entrusted the work to the Community Organiser incharge of the neighbourhood committee to enquire into the matter but the meeting could not be held due to quarrels among the resident community volunteers and members present. After that, before receiving an intimation from the Community Organiser, I scheduled a meeting on the 26th November, 1991 of the Resident Community Volunteers. Thereafter I issued instructions to the Community Organiser to watch the activities of the neighbourhood committee.

Mr. Chairman: Is it true that the meeting was convened on the 1st November, 1991?

Shri Gunanidhi Jena: I scheduled a meeting to be convened on the 1st November, 1991 in regard to review its activities. But since it was claimed for the election purpose, I adjourned the meeting.

Mr. Chairman: Did the local Member of Parliament write a letter to you?

Shri Gunanidhi Jena: I received a letter from the hon. Member of Parliament on the 26th October, 1991 wherein I was asked to solve the problem.

Mr. Chairman: What was the problem?

Shri Gunanidhi Jena: The problem was to remove the President.

Mr. Chairman: Was it to be discussed in the meeting?

Shri Gunanidhi Jena: Yes, Sir.

Mr. Chairman: Why did you decide to hold the meeting?

Shri Gunanidhi Jena: I issued a notice to have a review of the reasons leading to this problem.

Mr. Chairman: What review?

Shri Gunanidhi Jena: Review of the activities of the neighbourhood committee.

Mr. Chairman: The main point was to discuss the conduct of the President. Is that so?

Shri Gunanidhi Jena: As per the guidelines issued, it is the Resident Community Volunteers who have selected their convenor or the President. The Executive Officer has nothing to say on that matter. As such, to know the problem I convened a meeting of the neighbourhood committee to review all the activities as have been alleged by the hon. M.P.

Mr. Chairman: What was the time notified for holding the meeting on the 1st November?

Shri Gunanidhi Jena: It was 3 O'clock.

Mr. Chairman: Have you got the notice with you? What is written in it?

Shri Gunanidhi Jena: Yes, Sir. It is written here that the emergent meeting of the Sarala Mahila Samiti, Timber Colony is hereby convened on 1st November, 1991 at 3.00 p.m. in the Community Hall of the neighbourhood committee.

Mr. Chairman: Did anything happen at 11 O'clock in your office?

Shri Gunanidhi Jena: The President and some other members of the neighbourhood committee approached and asked why should there be an election. I explained to them that I had convened a meeting to review the

activities of the neighbourhood committee and the problem arisen from this matter. I told them that I should convene the meeting.

Mr. Chairman: Could you tell us about the serious incident that took place after 11 O'clock? What happened when they asked you to call the meeting for election of the President? Was the meeting called only to discuss the activities of the committee?

Shri Gunanidhi Jena: It is to review the activities of the Mahila Samiti.

Mr. Chairman: Was the meeting convened to discuss the conduct of the President?

Shri Gunanidhi Jena: No, it was not convened for that purpose.

Mr. Chairman: Then, what happened?

Shri Gunanidhi Jena: Then, I parted Office, for checking Octroi.

Mr. Chairman: What happened on the First?

Shri Gunanidhi Jena: On the First, the meeting was adjourned and the notice was served. There was no problem. On the Second of November, I attended Office and parted Office at five minutes past eleven, for the review of the collection of Octroi and I was checking at the Gate. Then, I got an information from one of my staff that six to seven persons have trespassed and have ransacked the Office. Immediately, I intimated the matter to the Superintendent of Police, Rourkela over telephone and requested him to take care of it. Then, I left for Office, putting an intimation at the Sector 7 Police Station from where the SI of Police proceeded to my Office and soon after, I arrived at the Office.

Mr. Chairman: Your Office is under the jurisdiction of Sector 7 Police Station, isn't it?

Shri Gunanidhi Jena: Yes. I arrived at the Office at about 12.30 p.m. and found that about 30 to 40 women were squatting and shouting slogans about Sarala Mahila Samiti, zindabad, etc.

Mr. Chairman: Are all women?

Shri Gunanidhi Jena: Yes, but the MP was not there at that time. I wanted to explain to the women who were present. They said that the MP should come and should hold discussion with me. So, I waited till 1.45 p.m. I was feeling hungry and I wanted to proceed to my residence which is about 100 feet away from my Office. But, I was prevented from going to my residence and taking lunch. So, I returned back and I waited in the Office. At 2.25 p.m. the hon. MP arrived and I received her. I explained to her that this unwanted position could have been avoided. Then, the Madam asked me to have a discussion, both sitting together. I asked her as to where should we have it—whether to have it there or at some other place. I also asked her to have only some selected persons with us for discussion and that we cannot have all the persons who are present, with us. Madam was kind enough in not having too many persons with us. So,

we sat together in the Council Hall and discussed. I detailed it in the FIR, submitted to the Police. I was confined there till 6.30 p.m. The only claim was that the meeting for election of the President should be held then and there. I said that since the meeting was adjourned on that day, we cannot have it now and unless a notice for the matter is given, the meeting cannot be held and even if it is held, it will be void and will be challenged.

Finally, at about 6.20 pm. some of the staff have made a noise and all of us, including the hon. MP took note of it. I just opened the door and about to come outside. In the meantime, the staff asked me to come out, since I did not go out for 4½ hours together; I did not even attend to the calls of nature; and without taking food. So, I went to the Office and sat there.

Shri Amal Datta: When did it happen?

Shri Gunanidhi Jena: It was at about 6.30 p.m.

Mr. Chairman: For four hours, she was discussing, isn't it?

Shri Gunanidhi Jena: Yes. Then, I was sitting inside the Office. At that time, there was quite a lot of noise outside.

Mr. Chairman: Were you in the Office, after 6.30 p.m.?

Shri Gunanidhi Jena: Yes.

Shri Amal Datta: Who were with you in the Office, at that time?

Shri Gunanidhi Jena: Some of my staff.

Shri Amal Datta: What happened to the MP and others?

Shri Gunanidhi Jena: They were in the Office premises. After 6.30 p.m., all came outside the Council Hall. Hon. MP and others were inside the premises and I was in the Office. Then, I was told that a large number of persons were waiting and shouting outside the premises. Later on, I was told that the Police took them away in the Police vehicle.

Shri Amal Datta: Did you not witness this?

Shri Gunanidhi Jena: I was inside the Office. I was told that all the persons who were outside were rescued in the Police vehicle.

Mr. Chairman: How did you say that?

Shri Gunanidhi Jena: That was the impression I had.

Mr. Chairman: Did the Police tell that they are rescuing them?

Shri Gunanidhi Jena: No.

Shri Amal Datta: How did you gather that information?

Shri Gunanidhi Jena: The stuff told me.

Mr. Chairman: Why did you use the word 'rescue'? Have you been asked to say like that?

Shri Gunanidhi Jena: My staff told me.

Shri Amal Datta: How did you know that they have been rescued and not arrested? Who told that?

Shri Gunanidhi Jena: My staff.

Dr. Debi Prosad Pal: Can you say approximately at what time this happened?

Shri Gunanidhi Jena: May be, quarter past seven. Thereafter, I lodged an FIR. I sent the FIR through one of my staff and they received at about 10.45 p.m.

Mr. Chairman: Why did it take more than four hours?

Shri Gunanidhi Jena: Till quarter past seven, I was in a tense situation.

Mr. Chairman: After that, the crowd went away from that place?

Shri Gunanidhi Jena: The crowd parted at quarter-past-seven.

Mr. Chairman: The incident of ransacking the office took place at 11 o'clock in the morning. After that, you lodged an FIR with the police station. Why was it so?

Shri Gunanidhi Jena: Soon after I arrived at the office, a number of women were shouting slogans. So, I was in a tense position.

Mr. Chairman: What made you to wait for so long for the FIR? The ransacking took place in the morning at 11 o'clock. At 6.30, all people, according to you, were involved in ransacking and they were taken by the police.

Shri Gunanidhi Jena: It was quarter-past-seven.

Mr. Chairman: You had submitted the FIR at 10.45 and it was received in the police station at 10.45. Then it took four hours.

Shri Gunanidhi Jena: Three hours.

Mr. Chairman: Why?

Shri Gunanidhi Jena: Because I drafted the FIR, called the typist to type it out, entered its number and sent it through my staff.

Dr. Debi Prosad Pal: The ransacking took place by those who were inside the premises—according to your statement. Is it not so? The ransackers were inside or outside?

Shri Gunanidhi Jena: They were inside the premises.

Dr. Debi Prosad Pal: According to your own statement, only the ladies were inside the premises. Just now you have said so.

Shri Gunanidhi Jena: Yes.

Dr. Debi Prosad Pal: Therefore, according to you, the ransacking took place only by the ladies.

Shri Gunanidhi Jena: No, Sir.

Dr. Debi Prosad Pal: Just now you said that only ladies were there.

Shri Gunanidhi Jena: By the time I arrived, only ladies were there.

Mr. Chairman: At the time of ransacking, you were not there?

Shri Gunanidhi Jena: No, Sir. My staff informed me. There were others. I have said now.

Dr. Debi Prosad Pal: Specifically you had said that there were ladies inside the premises. Please tell the truth before the Committee.

Shri Gunanidhi Jena: I am telling the truth.

श्री राम सुन्दर दास: आपके क्लर्क ने जब सूचना दी तो उसके बाद क्या आप आफिस में आए?

श्री गुणानिधि जैना: जी हां।

श्री राम सुन्दर दास: आपने अपनी आंखों से देखा कि आपके क्लर्क ने सही मायने में रिपोर्ट की?

श्री गुणानिधि जैना: जी हां।

श्री राम सुन्दर दास: लेकिन आपने लिखा है कि वहां डी०एस०पी० गेट पर मौजूद थे। आपकी रिपोर्ट में है कि पुलिस वहां बाहर थी। जब रैनसैकिंग हुई तो पुलिस ने हिफाजत नहीं की?

श्री गुणानिधि जैना: जी हां।

श्री राम सुन्दर दास: ऐसा तो नहीं है कि आपने एफ०आई०आर० करने में दस घंटे की देर लगाई और पुलिस के कहने पर आपने केस कर दिया कि उन लोगों ने आफिस को बरबाद किया, सामान बरबाद किया। पुलिस स्टेशन पास में है, एफ०आई०आर० में साढ़े दस घंटे देर हुई। क्या आपको पुलिस ने कहा कि इस तरह से रिपोर्ट करें?

श्री गुणानिधि जैना: जी नहीं।

श्री राम सुन्दर दास: साढ़े दस घंटे की देर कैसे हो गई? आपको सही मायने में पुलिस ने कहा कि इस तरह की रिपोर्ट करें, सैकेंड हैंड इनफार्मेशन दें ताकि जो महिलाएं पीसफुली बात करने गई थीं वह गलत साबित हो। आपने अपनी रिपोर्ट में कहा कि आपको सूचना नहीं दी गई लेकिन आपने कहा कि माननीय सदस्या, लोक सभा जब गई तो उनसे डिस्कस किया। आपको खाने वगैरह के लिए किसने रोका? आपने अपनी रिपोर्ट में लिखा है कि काउंसिल हाल में आपसे बातचीत हुई। दोनों कंट्राडिक्टरी हैं। जब पीसफुल नैगोसिएशन चल रहा था तो आपको किसने नहीं जाने दिया।

श्री गुणानिधि जैना: पीसफुल नैगोसिएशन था।

श्री राम सुन्दर दास: पुलिस वहां पर थी, पुलिस का काम पीस मेनटेन करना था। आपने रिपोर्ट में लिखा है कि डी०एस०पी० गेट पर मौजूद थे। सब लोग मौजूद थे तब भी यह घटना कैसे घटी। घटना घटने पर जो क्षति हुई क्या उसे आपने पुलिस से वैरीफाई करवाया?

श्री गुणानिधि जैना: जी हां।

श्री राम सुन्दर दास: आपने अपनी रिपोर्ट में तो नहीं लिखा है। पुलिस की मौजूदगी में घटना घटी और पुलिस देखती रही। दस घंटे बाद उसी पुलिस के कहने पर आपने रिपोर्ट लिखाई कि उन्होंने हमारे कार्यालय को क्षतिग्रस्त किया। आप सच बताइए।

Shri Gunanidhi Jena: I swear I am telling the truth. I was under tension. I was not in a position to draft.

श्री राम सुन्दर दास: चेयरमैन साहब ने अभी कहा कि जो ऐजीटेटर थे वे साढ़े छः बजे पुलिस स्टेशन से चले गए थे।

Shri Gunanidhi Jena: It was quarter-past-seven.

श्री राम सुन्दर दास: मान लीजिए सात बजे गए, तब भी आपको वक्त नहीं मिला?

Shri Gunanidhi Jena: I enquired from staff; drafted the FIR and got typed through a typist, then entered into the issue register and sent it through the staff. Therefore, it took time.

श्री राम सुन्दर दास: आपने अपनी रिपोर्ट में कहा कि उन लोगों को रैस्कयू और अरैस्ट करके थाने में भेजा गया? क्या यह फैक्ट है कि वे लोग अरैस्ट किए गए?

Shri Gunanidhi Jena: They were taken in the police vehicle. I was under the impression that they were rescued. I have just stated in the FIR.

श्री राम सुन्दर दास: आपने एफ०आई०आर० दस बजे की तो पौने सात बजे वे किस चार्ज में अरैस्ट हुए। आपकी एफ०आई०आर० तो तब हुई नहीं थी?

Mr. Chairman: How did you get the impression that they had been rescued? When the police asks somebody to go in their van, normally, they are considered as arrested.

Mr. Chairman: On page 3, you have said: "In the meantime, the police forces arrived and they rescued the aforesaid antisocials." Will the police rescue anti-socials? You say that they are anti-socials in the entire report and at the same time, you say that they are rescued. Will the police rescue the anti-socials?

Shri Gunanidhi Jena: They were very much scared because of the noise.

Mr. Chairman: I am quoting from your report in which you have said that the anti-socials were rescued by the police. Are anti-socials arrested or detained?

Shri Gunanidhi Jena: I do not mean anything otherwise.

Mr. Chairman: This is a written document in which you say that anti-socials were rescued. Are they rescued or arrested?

Shri Gunanidhi Jena: They were rescued because they were scared and taken away in the police vehicle.

Dr. Debi Prosad Pal: Were they rescued or arrested?

Shri Gunanidhi Jena: Since they were taken in the police vehicle, they were arrested. They were not rescued. They were scared and so, I meant that they were rescued.

Mr. Chairman: You say that they were anti-socials and you say that they were rescued. Are anti-socials arrested or rescued?

Shri Gunanidhi Jena: Arrested, Sir.

Shri Amal Datta: Why did you use the word 'rescue' when you had written 'arrested' in the FIR? What prompted you to use the word 'rescue' and waste our time? You have used the word 'arrested' in your FIR and now, you have said before us as 'rescued'.

Shri Gunanidhi Jena: I may be allowed to explain like this. They were inside the premises and a number of persons were outside the premises and they were all scared. The police closed the gate and the outsiders were not allowed to get into. Later on, they were taken inside the police van and dispersed. So, I mean that they were rescued.

Shri Amal Datta: So, you are saying that the police van came and so, they were rescued.

Shri Gunanidhi Jena: Yes. The staff said too.

Shri Amal Datta: Then and there, the staff told you that they had been rescued.

Shri Gunanidhi Jena: Yes, Sir.

Shri Amal Datta: After that, you wrote this report. Why did you not use the word 'rescue' here?

Shri Gunanidhi Jena: I have used the word 'rescue'.

Mr. Chairman: Later you have said on page 3 that they were arrested. At what time were they arrested and at what time were they rescued?

Shri Gunanidhi Jena: Some people who were taken in the police van were rescued. They were arrested when they were taken in the police vehicle.

Mr. Chairman: Is it that up to the time they were taken to the vehicle they were in 'rescue' and then they were 'arrested'?

Shri Gunanidhi Jena: Yes, Sir.

Mr. Chairman: Why did you concur when some people asked you to draft like this?

Dr. Debi Prosad Pal: Were they rescued on the basis of what your staff had told you?

Shri Gunanidhi Jena: I have not witnessed. The staff told me.

Dr. Debi Prosad Pal: And therefore, you are saying that they were rescued.

Shri Gunanidhi Jena: Yes, Sir.

श्री भगवान शंकर रावत: आप यह बतायें कि स्टाफ में कौन-कौन से लोग थे जिन को इनफार्मेशन दी और जिन से डेलिबरेट करने के बाद एफ०आई०आर० लिखी।

Mr. Chairman: Who were the members of the staff?

Shri Gunanidhi Jena: They were clerks, junior clerks and senior clerks.

Shri Bhagwan Shankar Rawat: Give us their names with their designations.

Shri Gunanidhi Jena: There are many.

Shri Bhagwan Shankar Rawat: Give the names whom you remember or know.

Mr. Chairman: Who reported to you immediately?

Shri Gunanidhi Jena: Mr. K.C. Rai, Octroi Tax Sarkar. It means that he is Octroi Tax Collector.

Mr. Chairman: Is he posted for Octroi?

Shri Gunanidhi Jena: As far as octroi is concerned, they used to have shift system. Shift A commences from six to two and shift B is from two to ten and....

Mr. Chairman: Did he come to your office when he was supposed to be at the octroi post?

Shri Gunanidhi Jena: He did not have the shift duty then. They come for depositing the collection amount and they usually come after 2 O'clock.

श्री भगवान शंकर रावत: दोपहर तक की उन्होंने एरिया में ड्यूटी दी और दो बजे के बाद पैसा डिपाजिट करने आये थे।

Shri Gunanidhi Jena: I do not remember whether he had his duty or not. But they come for depositing money.

Mr. Chairman: This was the man who reported to you first. Who reported to you first that ransacking took place?

Shri Gunanidhi Jena: I do not remember exactly. There were many staff members. Accountant was also there.

Mr. Chairman: You name somebody.

Shri Gunanidhi Jena: I cannot remember exactly as to who told me first. They were all there.

Shri Bhagwan Shankar Rawat: Did Mr. Rai attend his duty from 6 AM to 2 PM?

Shri Gunanidhi Jena: He had his duty at the out post.

Shri Bhagwan Shankar Rawat: After doing his out post job, did he come to deposit money?

Shri Gunanidhi Jena: He might have come.

Mr. Chairman: Be specific.

Shri Gunanidhi Jena: He was present in the office.

Mr. Chairman: You remember that you are giving evidence before this Committee. You have told that Mr. Rai was in office and at the same time, you told that they have their shift duty of collecting octroi. Mr. Rai was not on the shift duty and he came to the office to deposit money and he informed you first.

Shri Gunanidhi Jena: He informed me first.

Shri Bhagwan Shankar Rawat: Did Mr. Rai give you the details of ransacking?

Shri Gunanidhi Jena: He mentioned about ransacking.

श्री राम सुन्दर दास: रिपोर्ट में लिखा है कि हमें क्लर्क ने यह सूचना दी। अभी आप कह रहे हैं कि रैट कलेक्टर ने सूचना दी। दोनों में कौन सही है?

Shri Gunanidhi Jena: The clerk intimated that this had happened but after my arrival at my office, I was told by many staff. One Shri Kali Charan was there. K.C. Roy was another person who was present.

Dr. Debi Prosad Pal: When you came at 12.30, you did not find anybody in the premises. Those people who were inside the premises earlier, were not present then. This incident of ransacking and damaging the NAC office took place at around 11 O'clock. You were not present at that time. Is that correct?

Shri Gunanidhi Jena: Yes, Sir.

Mr. Chairman: You say that on your return from the Octroi Post when you were coming to office, you informed the police. How were you informed? By whom were you informed?

Shri Gunanidhi Jena: I was informed by Kali Charan, K.C. Roy and others.

Mr. Chairman: According to you, based on the information given, police inspector Sector III police station was present there. What action did he take against the ransackers?

Shri Gunanidhi Jena: He did not take any action because they were not there. They had all left.

Mr. Chairman: Do you mean to say that at 12.30, no ransacker was available?

Shri Gunanidhi Jena: Yes, Sir.

Mr. Chairman: When they were inside the premises, they were taken to the police station, because they were supposed to be rescued. When you arrived on the scene around 12.30, none of the ransackers was present. And this incident had taken place at around

11 O'clock, when they were not present at 12.30. How could they be rescued and taken to the police station at about 6.30 in the evening?

Shri Gunanidhi Jena: They came back and they were all present along with the hon. Member of Parliament for discussions with me.

Mr. Chairman: But they were not ransackers. You waited for the M.P. to come for discussions. She came at about 2.30 and then you started the discussions. There were some people along with her.

Shri Gunanidhi Jena: The ransackers were also there in the meeting. The staff mentioned their names to me.

Mr. Chairman: Did you invite the MP to come to the spot to have discussions?

Shri Gunanidhi Jena: She came on her own.

Mr. Chairman: You have not given any explanation as to how you took so much of time in submitting the report to the police station. When you arrived in your office at 12.30, there was no tension because you say that the ransackers were not available at that time on the scene. How could there be tension thereafter? What actually has happened?

Shri Bhagwan Shankar Rawat: What deliberations you held with the police officers at that time?

Shri Gunanidhi Jena: I deliberated to the police about ransacking.

Mr. Chairman: Did you name certain persons at that time?

Shri Gunanidhi Jena: No, Sir.

Shri Bhagwan Shankar Rawat: Neither your staff mentioned the name of any ransacker to the police at that time.

Dr. Debi Prosad Pal: Could you identify any of them?

Shri Gunanidhi Jena: They were not present so, there is no question of identifying them.

Mr. Chairman: In your report you have mentioned that the hon. Member arrived accompanied by Vijay Topno, Mohanty and Patnaik in a vehicle which has inside lathis and lethal weapon. Did you see the lethal weapons inside?

Shri Gunanidhi Jena: I did not see but the staff member told me. I only drafted the FIR.

श्री तेजनारायण सिंह: मैं स्पष्ट जानना चाहता हूं कि जब एम०पी० को ट्रक पर ले जाया जा रहा था, उस समय क्या आप वहां मौजूद थे और आपने सारी ऑकरैंस को अपनी आंखों से देखा था।

श्री गुणानिधि जैना: मैं इनसाइड आफिस में था।

श्री तेजनारायण सिंह: आप आफिस में थे तो क्या आपने इस विषय की इतला कलैक्टर से की, कोई रिपोर्ट की कि इतने लोगों को ट्रक पर चढ़ाकर पुलिस स्टेशन ले जाया जा रहा है? कितने लोगों को ले जाया गया?

श्री गुणानिधि जैना: मैंने ऐसी कोई रिपोर्ट नहीं की।

श्री तेजनारायण सिंह: एम०पी० के साथ इतने लोगों को जब पुलिस के लोग ट्रक से पुलिस स्टेशन ले गये, आपको तुरन्त उसकी सूचना कलैक्टर को देनी चाहिये थी।

श्री गुणानिधि जैना: मैंने नहीं दी।

श्री तेजनारायण सिंह: आपने कहा है कि पुलिस उन लोगों को रैस्क्यू करके ले गयी, पुलिस स्टेशन उन्हें ले जाया गया, जिन लोगों से खतरा था, आपकी नजर में वह रैस्क्यू की घटना हुई। क्या आप "रैस्क्यू" का मतलब भी जानते हैं, क्या मतलब होता है।

श्री गुणानिधि जैना: प्रोटैक्शन फ्राम डैंजर होता है।

श्री तेजनारायण सिंह: जिन लोगों से डेंजर था, पुलिस उन्हें रैस्क्यू करके ट्रक में बैठा कर पुलिस स्टेशन ले गयी, फिर डेंजर पैदा करने वाले लोगों के खिलाफ आपने कुछ नहीं लिखा, कोई रिपोर्ट नहीं की, कैसे संभव है?

Mr. Chairman: You are making all contradictory statements. You have taken the oath that you will speak the truth.

Shri Gunanidhi Jena: I am telling truth, Sir.

Mr. Chairman: You say that you were not there when the Member came and still you have categorically stated in your report that Miss Topno and her associates came in a car with lathis and lethal weapons inside.

Shri Gunanidhi Jena: They came but I did not see than with my own eyes but my staff told me about this.

Shri Bhagwan Shankar Rawat: But you are not prepared to tell the names of your staff people.

Shri Gunanidhi Jena: I can tell you, Sir. They were K.B. Sahu, K.C. Ray, R.N. Das, who were present at that time.

श्री तेजनारायण सिंह: आपने जो एफ आई आर लॉज करायी है, रिटिन एफ आई आर दर्ज करायी थी पुलिस स्टेशन में, वह किसके कहने पर दर्ज करायी थी। जब आपने कोई घटना देखी ही नहीं, अपनी आंखों से, तो फिर किस आधार पर आपने वह एफ आई आर ड्राफ्ट की। उसे ड्राफ्ट किसने किया?

श्री गुणानिधि जैना: हमारे ऑफिस के स्टाफ के लोगों ने जिस तरह मुझसे घटना बतायी, अभी मैंने उनके नाम बताये, उसके आधार पर ड्राफ्ट की।

श्री तेजनारायण सिंह: आप तो मौके पर, ऑन द स्पॉट उपस्थित नहीं थे।

श्री गुणानिधि जैना: जैसा स्टाफ ने मुझे बताया।

श्री तेजनारायण सिंह: आप तो मौके पर थे ही नहीं।

Shri Gunanidhi Jena: I received the report from the staff on the basis of which I drafted the FIR.

Mr. Chairman: Normally, a report to the police in the form of FIR should be submitted by a person who is present at the time of incident.

You were not there and you drafted this letter on the hearsay and at the direction of somebody. It appears very clearly from the statements that you are making here.

Shri Bhagwan Shankar Rawat: Who asked you to lodge the FIR?

आपने एक एफ आई आर में उस व्यक्ति का नाम नहीं लिखा है, जिसके ब्यान पर आपने पुलिस स्टेशन में एफ आई आर दर्ज करायी, लिखित एफ आई आर लॉज की। अभी आपने कहा कि फलां आदमी ने आपको ब्रीफ किया।

श्री गुणानिधि जैना: एक ही नाम दिया है।

Mr. Chairman: For your own purpose, did you record the statements of the person who were present at the time when the incident took place on the basis of which you filed this FIR?

Shri Gunanidhi Jena: I did not record the statements.

Mr. Chairman: Are you an Orissa State Serviceman?

Shri Gunanidhi Jena: Yes, Sir.

Mr. Chairman: In which year you passed?

Shri Gunanidhi Jena: In 1979.

Mr. Chairman: Before that were you there somewhere in the district?

Shri Gunanidhi Jena: Before that I was in Cuttack District as Tehsildar.

Mr. Chairman: Do you know the procedure that if you make a report then you must record the statements of the persons who were present at the time when the incident took place?

Shri Gunanidhi Jena: That I did not do.

Mr. Chairman: Mr. Gunanidhi Jena, thank you. Now you can withdraw.

At this stage, the witness withdrew.

Mr. Chairman: We now adjourn our meeting and will meet at 3 p.m. today. Thank you.

(The Committee then adjourned)

(3) Evidence of Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela.

Mr. Chairman: You have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2nd November, 1991 and non-intimation thereof to the Speaker, Lok Sabha. I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the report of the Committee and its proceedings are

presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or make affirmation as you like.

(The witness then took Oath)

Mr. Chairman: Shri R.K. Biswal, you are a Member of the State Police Service. Have you been regularly recruited to that post or promoted from the Ranks?

Shri R.K. Biswal: I have been promoted from the Ranks.

Mr. Chairman: When were you elevated to the rank of DSP?

Shri R.K. Biswal: I was elevated to that rank in the year 1990.

Mr. Chairman: Where were you posted?

Shri R.K. Biswal: I was posted to Rourkela Police District.

Mr. Chairman: When were you posted there?

Shri R.K. Biswal: On 26th March, 1991.

Mr. Chairman: Do you know there is a Sarla Mahila Samiti of Timber Colony, Rourkela? This Samiti is functioning in the Timber Colony of the Steel Plant. Do you know about it?

Shri R.K. Biswal: No, Sir, I do not know about it.

Mr. Chairman: Does this Notified Area Committee Office fall under your jurisdiction?

Shri R.K. Biswal: It comes under the jurisdiction of the S.P., Rourkela. It comes under the jurisdiction of the Inspector-in-Charge of Sector-7. Police Station of Rourkela District. I was attached to the Office of the Superintendent of Police.

Mr. Chairman: At that time, were you in charge of Sector-VII?

Shri R.K. Biswal: No, Sir.

Mr. Chairman: On 1.11.91 or even before that, did any clash take place between two groups belonging to two political groups?

Shri R.K. Biswal: No, Sir, there was no disturbance between the two groups.

Mr. Chairman: Did any clash take place between the two groups prior to 1.11.91?

Shri R.K. Biswal: There was no such incident. I do not know about the incident.

Mr. Chairman: According to the information sent by the Government of Orissa, they say that the Police was in the knowledge of it and such a clash was averted in the past also.

Shri R.K. Biswal: Prior to 1.11.91, there was no incident. The incident took place on 2nd November.

Mr. Chairman: In the report they say that prior to this also the clash took place.

Shri R.K. Biswal: I do not know about that incident. It had taken place after 1.11.91.

Mr. Chairman: What happened on 2nd November, 1991?

Shri R.K. Biswal: I was present on that day in the Office. At about 12.30 p.m. the Superintendent of Police called me. He asked me to go to NAC(ST) Sector-5 Office because there was some trouble.

Mr. Chairman: Was there some trouble or was there any apprehension of a trouble?

Shri R.K.Biswal: Some incident had taken place. Accordingly, I rushed to the spot.

Mr. Chairman: Are you not in-charge of Sector-VII Police Station?

Shri R.K. Biswal: I am not in-charge of Sector-VII.

Mr. Chairman: In what capacity were you deputed by the Superintendent of Police there?

Shri R.K. Biswal: As a senior Police Officer of the moment, he directed me to go there.

Mr. Chairman: Did he give oral orders or otherwise?

Shri R.K. Biswal: He gave me verbal orders.

Mr. Chairman: What happened on 2nd November?

Shri R.K. Biswal: At 12.55 p.m. I reached the NAC Office, Sector-V. On my arrival there, I found about 100 persons just in front of the premises. They were just raising slogans. Soon after, I entered the office inside, I found that the tables, chairs and other things were broken and scattered inside. Then, just some persons were squatting in front of the office shouting slogans. I was present there. I was there in order to see that they could not enter inside the office.

Mr. Chairman: Who informed you about this incident?

Shri R.K. Biswal: The Superintendent of Police told me. On my arrival there, I have not enquired about it.

Mr. Chairman: Did the Executive Officer of the NAC inform you about this?

Shri R.K. Biswal: No, Sir. No information was received from the Executive Officer, NAC.

Mr. Chairman: It has been stated that when he was returning from the Octroi post after checking it up, on his way back to his office, he informed

the police.

Shri R.K. Biswal: He has not met me.

Mr. Chairman: Who did he inform?

Shri R.K. Biswal: Perhaps, he might have intimated the Superintendent of Police, Rourkela.

Mr. Chairman: Was he in the City?

Shri R.K. Biswal: Yes.

Mr. Chairman: The point is that the Superintendent of Police told you to go. But the Executive Officer says that he informed the Police Station while coming back.

Shri R.K. Biswal: I have not received any intimation from the Executive Officer, NAC(ST) Sector-V, Rourkela, who is Shri Jogendra Patnaik.

Mr. Chairman: Who asked you to look after the case?

Shri R.K. Biswal: At that time, the situation was tense. On my arrival there, that gentleman was not there.

Mr. Chairman: You have stated that you arrived there at 12.55 p.m. Who were the people who ransacked the Office?

Shri R.K. Biswal: That was not known to me at that time.

Mr. Chairman: How many persons were there?

Shri R.K. Biswal: About 100 persons were there in front of the Campus of NAC Office.

Mr. Chairman: As you have stated, inside the office there was nobody. Is it correct?

Shri R.K. Biswal: Yes.

Mr. Chairman: Who were raising the slogans?

Shri R.K. Biswal: It appears to me that they were the supporters of Congress(I).

Mr. Chairman: What slogans were they raising?

Shri R.K. Biswal: It is like: "NAC Office Hatao." I do not remember exactly what slogans were raised.

Mr. Chairman: What action did you take?

Shri R.K. Biswal: I was present there. The hon. Member of Parliament was learnt to be coming for a discussion; to keep quiet and sit there.

Mr. Chairman: Who was calling the Member of Parliament?

Shri R.K. Biswal: I cannot say.

Mr. Chairman: You say that nobody was inside; all of them were outside the office.

Shri R.K. Biswal: They were just outside.

Mr. Chairman: Were they demanding that the MP should be called?

Shri R.K. Biswal: They were saying that MP was coming for discussion with the Executive Officer. I told them to have patience till the arrival of the hon. M.P. They remained present there and no disturbance was there. When the MP came, both MP and the Executive Officer went to the Council Hall for discussion.

Mr. Chairman: Where is this Council Hall?

Shri R.K. Biswal: It is just adjacent to the office of the Executive Office NAC(ST).

Mr. Chairman: Do you say that nothing happened between 12.30 p.m. to 2.30 p.m. till the arrival of the Member of Parliament?

Shri R.K. Biswal: They were just shouting slogans. Otherwise everything was peaceful.

Mr. Chairman: Was there anyone inside the hall?

Shri R.K. Biswal: I did not enter inside the hall. But in the main room, I could see benches, almirah etc., lying scattered.

Mr. Chairman: What was the damage done?

Shri R.K. Biswal: Benches, glass-panes, tables, almirah etc., were broken and lying scattered.

Mr. Chairman: What happened after 2.30 p.m.?

Shri R.K. Biswal: Discussions continued till 5.30 p.m. or something like that.

Mr. Chairman: Were you there when the discussion was going on?

Shri R.K. Biswal: I was just there outside. I did not go inside.

Mr. Chairman: What was the tenor of discussion? Were they exchanging hot words?

Shri R.K. Biswal: It was not audible from outside.

Mr. Chairman: Did the discussion continue for three hours continuously?

Shri R.K. Biswal: Yes, Sir.

Mr. Chairman: What happened after 5.30 p.m.?

Shri R.K. Biswal: No intimation was received from inside the office from the Executive Officer.

Mr. Chairman: What happened after 5.30 p.m.?

Shri R.K. Biswal: After 5.30 p.m. there was a ***hullah.*** Perhaps, some persons entered the Council Hall of the NAC Office.

Mr. Chairman: You said that between 12.30 p.m. to 2.30 p.m. the

persons who were shouting slogans were the supporters of the Member of Parliament. Who were the persons who shouted slogans after 5.30 p.m.? Were they different persons?

Shri R.K. Biswal: Perhaps, they were from the staff of the NAC Office.

Mr. Chairman: Were the staff of the NAC Office shouting slogans?

Shri R.K. Biswal: Perhaps, they were shouting slogans.

Mr. Chairman: What were they doing?

श्री आर० के० बिसवाल: आफिस में घुस गए।

सभापति महोदय: कितने लोग थे?

श्री आर० के० बिसवाल: 10-15 लोग थे।

सभापति महोदय: जो आफिस के बाहर नारे लगा रहे थे?

श्री आर० के० बिसवाल: बाहर तो महिलाएं और पुरुष थे, काफी लोग थे।

सभापति महोदय: कौन लोग थे? क्या नारे लगा रहे थे?

श्री आर० के० बिसवाल: कांग्रेस आई के लोग थे जो नारे लगा रहे थे। नारे बस 5.30 के बाद हल्ला होने लगा, सब लोग नारे लगा रहे थे।

सभापति महोदय: साढ़े 5 बजे मेंबर आफ पार्लियामेंट आ गई?

श्री आर० के० बिसवाल: बाहर के लोगों की डिमांड थी कि मेंबर बाहर आ जाएं, तभी बातचीत हो। 3 घंटे बहस हुई, उसके बाद 5.30 बजे हल्ला हो गया। इसके बाद कौंसिल के दरवाजे के पास कांग्रेस आई के लोग खड़े हो गए।

सभापति महोदय: क्यों? क्या बातचीत फेल हो गई थी?

श्री आर० के० बिसवाल: पता नहीं। शायद ऐसा हुआ कि ये लोग एग्जेक्टिव आफिसर को अंदर उठाकर ले गए।

सभापति महोदय: स्टाफ वाले उठा कर ले गए।

श्री आर० के० बिसवाल: यह हमने नहीं देखा, बाद में देखा कि एग्जेक्टिव आफिसर आफिस में बैठे हैं।

सभापति महोदय: क्या एग्जेक्टिव आफिसर का घेराव किया था?

It was said that the Executive Officer was not allowed to take his lunch; he was not even allowed to attend the nature's call. Is it correct?

Shri R.K. Biswal: No information was received as I was outside the office.

Mr. Chairman: Did you not received any information about the misbehaviour by the persons who were discussing with the Executive Officer? Was he not allowed to take his lunch and was he not allowed to attend the nature's call?

Shri R.K. Biswal: No, Sir. No information was received from the

Executive Officer about the ugly behaviour by the persons or supporters of the Congress(I).

Mr. Chairman: Why did the Executive Officer left the discussion?

Shri R.K. Biswal: I cannot say as to why and how the NAC officer left or whether he was lifted by the staff of his office.

Mr. Chairman: Were the staff of the NAC instrumental in shouting inside the Council Hall?

Shri R.K. Biswal: At 5.30 p.m. I heard the *hullah.*

Mr. Chairman: Did you go inside after 5.30 p.m.?

Shri R.K. Biswal: No, Sir. In the meantime, another group of about 100 persons which was congregated there started shouting — एमपी साहब को बाहर निकालिए, सपोर्टर्स को बाहर निकालिए, नहीं तो हमला करेंगे।

Mr. Chairman: According to you, they were the supporters of different parties. Is that correct?

Shri R.K. Biswal: Yes, Sir.

Mr. Chairman: Which party?

Shri R.K. Biswal: May be the supporters of Janata Party.

Mr. Chairman: In the case of MP, you said positively that they were the Congressmen. But in this case, you did not say that. Why?

Shri R.K. Biswal: That is only because I know the hon. Member of Parliament personally.

Mr. Chairman: How did you say in one case very positively that they were Congressmen? How can you say in the other case that they may be Janata Dal members? Why was this difference? You as a Police Officer must be knowing who is who. Is it not?

Shri R.K. Biswal: Sir, the other members were from the Janata Dal party.

Mr. Chairman: What they were demanding?

श्री आर०के० बिसवाल: वे कह रहे थे कि एम०पी० को बाहर निकालिए, जो लोग अन्दर हैं उनको बाहर निकालिए नहीं तो हम मारेंगे।

सभापति महोदय: एम०पी० का क्या कसूर था?

Shri R.K. Biswal: Sir, I do not know. The situation was very tense.

Mr. Chairman: Kumari Topno is a Member of Parliament. It was her duty that if some dispute was going on to settle the dispute. So, she went there. You were knowing that the MP was doing a correct thing and that the MP was trying to solve the problem in her own way and when some people were obstructing her in her functioning as a mediator, what action did you take?

Shri R.K. Biswal: I was present at the gate. The female members along with the hon. M.P. was inside. There was a dispute between two groups—one group was outside and the other group was inside the premises. The situation was so tense that a clash was inevitable. In view of this, I was just guarding the outsiders and did not allow them to enter inside and cause any harm to the females and the hon: M.P., who were inside the premises.

Mr. Chairman: How many persons you had with you?

Shri R.K. Biswal: 3 (three) sections of force.

Mr. Chairman: Section means a force of 1 plus 5.

Shri R.K. Biswal: Each section will have a force of 1 hawaldar and 8 constables.

Mr. Chairman: So, you were having with you about 25 persons and you were trying to stop them outsiders from entering inside the campus premises?

Shri R.K. Biswal: Yes Sir, so that they will not enter inside the premises of the NAC and cause any harm to the M.P., and to the other females.

Mr. Chairman: Did you succeed in that and did you not allow anybody inside?

Shri R.K. Biswal: Sir, not a single person entered the inside premises. They were just outside and shouting and they were giving slogans.

Mr. Chairman: What action did you take against them?

Shri R.K. Biswal: I just remained outside the gate by closing the gate at the boundary wall of the NAC.

Mr. Chairman: According to you, were they disturbing the peaceful proceedings which were going on inside?

Shri R.K. Biswal: At that time those discussions were already stopped because the Executive Officer was lifted from the Council Hall. The ladies who were present inside the premises, they were shouting. There were shoutings from outside also. There were slogans from both the sides.

Mr. Chairman: What preventive action did you take?

Shri R.K. Biswal: The Inspector In-Charge who was inside, perhaps, might have talked to the hon. M.P. I cannot say exactly.

Mr. Chairman: He was Inspector of which Police Station?

Shri R.K. Biswal: He was Inspector In-charge of Sector VII. He was inside the premises and I was at the outside.

Mr. Chairman: Who was he?

Shri R.K. Biswal: He is Mr. Jogindar Patnaik.

Mr. Chairman: Has he come?

Shri R.K. Biswal: Yes Sir, he has come.

Mr. Chairman: Actually he was inside and he was the eye-witness and you were not?

Shri R.K. Biswal: I was outside and I just prevented the other groups who were trying to enter inside the premises.

Mr. Chairman: What happened after that?

Shri R.K. Biswal: After this some *halla gulla* was going on. After sometime the Inspector, perhaps, called the vehicles inside. When the vehicles were brought, half portion went inside the campus of the NAC and the other half portion remained outside of the gate. The gate was almost closed. I was just outside. I cannot say, how many persons entered and went inside the police vehicles and whether the hon. M.P. had also entered inside or not. I have not seen that and I had no occasion to see whether the hon. M.P. went inside the vehicle or not.

Mr. Chairman: What happened between 5.30-6.30 p.m.?

Shri R.K. Biswal: In those vehicle, the ladies were taken outside the NAC campus by the police.

Mr. Chairman: To where?

Shri R.K. Biswal: To Sector VII Police Station.

Mr. Chairman: Under your orders?

Shri R.K. Biswal: No Sir. It was under the orders of the Inspector In-charge, who was the Officer in-charge of that Police Station. He is Mr. Patnaik.

Mr. Chairman: Mr. Patnaik ordered for the arrest of those persons?

Shri R.K. Biswal: I cannot say Sir, whether he had ordered them or not. I cannot say whether Mr. Patnaik had arrested the ladies on-the-spot or not.

Mr. Chairman: Can you say whether the hon. M.P. was arrested or not?

Shri R.K. Biswal: I have no occasion to see whether the hon. MP. was arrested or not, at the time of the departure of the vehicles with the ladies.

Mr. Chairman: You did not give any orders for the arrest of the ladies and the hon. MP.!

Shri R.K. Biswal: No, Sir.

Mr. Chairman: You were simply trying to stop the persons who were trying to enter inside!

Shri R.K. Biswal: Yes, Sir. I was guarding the outsiders and did not allow them to enter inside and cause any harm to the life of the hon. M.P., and the ladies, who were present there.

श्री तेज नारायण सिंह: आपके अंदर कितने थाना इन्चार्ज हैं?

श्री आर०के० बिसवाल: हम लोगों को थाना इन्चार्ज नहीं दिया गया है।

सभापति महोदय: आपकी ड्यूटीज़ क्या थीं?

Shri R.K. Biswal: I was in-charge of accounts and DSP (Personnel), looking after the papers concerning the police personnel like leave account and all that.

श्री तेज नारायण सिंह: एन०ई०सी० आफिस पर 2.11.91 को आप कितने बजे पहुंचे?

Shri R.K. Biswal: I arrived at the NAC, Sector V office around 12.55 p.m. on 2nd November, 1991.

श्री तेज नारायण सिंह: जिस समय आप वहां पहुंचे वहां कितनी संख्या में लोग उपस्थित थे?

Shri R.K. Biswal: Around 100 persons both females and males— were there. I have not counted the exact number; it is roughly around 100 persons.

श्री तेज नारायण सिंह: जो लोग वहां उपस्थित थे और शाउटिंग कर रहे थे उनको क्या आप नाम से पहचानते थे?

श्री आर०के० बिसवाल: जी सर, पहचानता हूं।

श्री तेज नारायण सिंह: पुलिस द्वारा लोगों को ट्रक पर बिठा कर ले जाया गया, वे लोग कितने थे और कौन-कौन लोग थे, क्या आप बता सकते हैं?

श्री आर०के० बिसवाल: झगड़ा वहां होने वाला था, ब्लड शैड होने वाला था....

श्री तेज नारायण सिंह: आपको जानकारी हुई कि कितने लोगों को थाने में ले गये और कब छोड़ा गया?

श्री आर०के० बिसवाल: कहां ले गये मुझे जानकारी नहीं, बाद में पता चला। मैं आफिस में रात 10 बजे तक रहा और सेक्टर 7 में भी नहीं गया था।

सभापति महोदय: आप यह फोटो देखकर बतायें कि कौन से पुलिस अधिकारी हैं?

श्री आर०के० बिसवाल: ये एम०सी० उपाध्याय हैं।

सभापति महोदय: क्या ये कौंसल हाल में थे?

श्री आर०के० बिसवाल: मुझे पता नहीं।

सभापति महोदय: ये सेक्टर 7 के इन्चार्ज नहीं हैं तो वहां कैसे बैठे हैं?

श्री आर०के० बिसवाल: ये सेक्टर 7 के इंचार्ज नहीं हैं, क्यों बैठे हैं ये मुझे मालूम नहीं।

श्री तेज नारायण सिंह: जिनको गिरफ्तार करके रखा गया, कब छोड़ा गया?

श्री आर०के० बिसवाल: और एक डी०एस०पी० थे, उनको एस०पी० ने भेजा था। मैं वहां नहीं गया।

श्री तेज नारायण सिंह: कौन-कौन लोगों को पुलिस ने गिरफ्तार किया और थाने में रखा?

श्री आर०के० बिसवाल: हमें पता नहीं, और एक डी०एस०पी० को भेजा गया था।

श्री तेज नारायण सिंह: वे कौन थे?

श्री आर०के० बिस्वाल: वे श्री महेश्वर मिश्र थे। वे सेक्टर 7 पुलिस स्टेशन गये थे देखभाल करने के लिए।

Mr. Chairman: You went to the scene of the incident on the orders of the SP, is it not.

Shri R.K. Biswal: Yes.

Mr. Chairman: Is it to avoid some untoward thing happening?

Shri R.K. Biswal: Yes.

Mr. Chairman: You have prevented the people from coming inside. But, you also say that they were shouting slogans and trying to come inside.

Shri R.K. Biswal: They were shouting. At that time, discussion was not there with the hon. MP. Perhaps, the Executive Officer, NAC, would have left the place. So, there was no discussion at 5.30 p.m.

Mr. Chairman: At that time, you were seeing people shouting from both the sides, is it not?

Shri R.K. Biswal: Yes.

Mr. Chairman: Can you not take any action on that? Can you identify who were the people who were shouting there?

Shri R.K. Biswal: I cannot identify. It was not possible for me to identify them. Moreover, it was a very busy road.

Mr. Chairman: Who came and arrested them? Who gave the orders for arresting them? If you did not give the orders, then who gave the orders for her arrest?

Shri R.K. Biswal: The Inspecter in-charge of the Sector 7 Police Station was inside and he acted. He is Mr. Patnaik.

Mr. Chairman: Did he arrest them?

Shri R.K. Biswal: I cannot say whether these ladies were arrested or not.

Mr. Chairman: Do you know anything more about this incident?

Shri R.K. Biswal: No.

Mr. Chairman: Do you have any knowledge that the MP had asked repeatedly as to whether she was under arrest. She was told at that time that she was under arrest and who told this to her?

Shri R.K. Biswal: I have not told that; nor I had the occasion to meet the MP, as I have already stated; nor I know anybody telling the hon. MP like that.

श्री राम सुन्दर दास: आपने यह बताया कि आप जब से आये गेट पर थे, भीतर नहीं गये।

श्री आर०के० बिस्वाल: जी हां।

श्री राम सुन्दर दास: फिर आपने बताया कि भीतर बहुत सारा सामान बिखरा हुआ था। जब आप भीतर नहीं गये तो आपको कैसे पता लगा।

श्री आर०के० बिसवाल: जिस समय मैं पहुंचा तो मैं बरामदे में था वहां से अन्दर का दृश्य दिखाई देता था वहां सारा फर्नीचर, बैंच वगैरह इधर-उधर बिखरा हुआ था।

श्री राम सुन्दर दास: क्या आपने अरेस्ट का आर्डर दिया था?

श्री आर०के० बिसवाल: जी नहीं।

श्री राम सुन्दर दास: दूसरे डी०एस०पी० से आपकी मुलाकात हुई जिसकी चर्चा कर रहे हैं?

श्री आर०के० बिसवाल: कहीं मुलाकात नहीं हुई।

श्री राम सुन्दर दास: यह भी पता नहीं है कि वे अरेस्ट हो गये और थाने में हैं?

श्री आर०के० बिसवाल: यह भी पता नहीं है।

श्री राम सुन्दर दास: यह भी खबर नहीं है कि एकजीक्यूटिव आफिसर को लोगों ने रोक रखा है जाने नहीं दिया?

श्री आर०के० बिसवाल: सर, मुझे कुछ खबर नहीं दी थी।

Mr. Chairman: Can you throw more light?

Shri R.K. Biswal: I have acquaintance with the hon. Member of Parliament for the last about eight years. I have all regards for her. Personally, she is a well reputed person. I know it personally. The hon. Member of Parliament also knew me pretty well.

श्री राम सुंदर दास: यह जो घटना घटी थी, क्या वह आफिस बहुत बड़ा था, काफी जगह थी?

श्री आर०के० बिसवाल: सर, प्रिमिसेस बहुत बड़ा था।

श्री राम सुंदर दास: आप भीतर नहीं गए?

श्री आर०के० बिसवाल: जी हां, मैं भीतर नहीं गया।

श्री राम सुंदर दास: क्या आपको एस०पी० ने वहां जाने के ऑर्डर दिए थे, क्या आपको घटना की रिपोर्ट थी?

श्री आर०के० बिसवाल: नहीं सर।

श्री संतोष गंगवार: आपको एस०पी० ने किस लिए वहां भेजा था?

श्री आर०के० बिसवाल: वहां पर क्या सिचुएशन है, यह देखने के लिए भेजा था।

श्री संतोष गंगवार: जब आप वहां गए, तो क्या वहां पर आपसे बड़ा कोई और ऑफीसर मौजूद था?

श्री आर०के० बिसवाल: नहीं सर।

श्री संतोष गंगवार: अभी आपने कहा कि वहां पर जो स्टेशन आफीसर था उसने सब कुछ किया तो वहां सामान कैसे बिखरा?

श्री आर० के० बिसवाल: वहां पर लोग यह बोल रहे थे कि मौनरेबल एम०पी० आ रही हैं। हमने देखा कि वहां पर सामान बिखरा पड़ा है, लेकिन हमें यह पता नहीं है कि कौन लोगों ने वहां ऐसा किया है।

श्री संतोष कुमार गंगवार: आपने कहा कि मुझे वहां एस०पी० ने भेजा था ताकि स्थिति को नियंत्रण में रखा जाए। तो क्या 12 बजे से ढाई बजे तक वहां कोई घटना नहीं हुई। जब आप वहां पहुंचे थे, तो आपके हिसाब से जो एक ही पक्ष के लोग मौजूद थे, तो वहां पर जो अन्य पुलिस कर्मी मौजूद थे, आपने उनसे भी कुछ नहीं पूछा?

श्री आर०के० बिसवाल: वहां पर ये लोग नारे लगा रहे थे, चूंकि वहां के सबन्ध में मेरे पास ऐसी कोई रिपोर्ट नहीं थी इसलिए मैंने उनसे कुछ नहीं पूछा।

श्री संतोष कुमार गंगवार: क्या वहां पर स्टेशन ऑफीसर नहीं थे?

श्री आर०के० बिसवाल: नहीं थे।

श्री संतोष कुमार गंगवार: घटनास्थल पर आपसे पहले कौन से पुलिस अधिकारी थे?

श्री आर०के० बिसवाल: सैक्टर 3 थाने के पुलिस इंस्पैक्टर थे।

सभापति महोदय: उनका क्या नाम है?

श्री आर०के० बिसवाल: श्री एन०सी० जैन। वे वहां पहुंचे थे।

श्री संतोष कुमार गंगवार: जब आप वहां पहुंचे थे और जिनको आप कहते हैं कि वे जनता दल के थे और बाद में वहां इकट्ठे हुए थे और एक सांसद महोदया को जिनको आप काफी अरसे से जानते हैं, उनसे भी आपकी कोई बात किसी संदर्भ में नहीं हुई?

Shri R.K. Biswal: Sir, I did not follow the question.

Mr. Chairman: You knew the Member of Parliament for a very long time. He is asking: did you have any discussion with her even outside or inside the hall?

Shri R.K. Biswal: At about 2.30, I just told the honourable Member of Parliament arrived there. I paid my due respects to her. Thereafter the officer of the NAC called honourable Member of Parliament and took her inside the NAC Council hall for discussion. I had not accompanied nor attended the discussion with the honourable Member of Parliament inside the Council hall.

श्री संतोष कुमार गंगवार: आपने बताया कि वहां पर तनावपूर्ण स्थिति थी। इसलिए गेट के बीच में गाड़ी खड़ी कर के लोगों को ले जाएं या गिरफ्तार कर के ले जा रहे हैं, इस बारे में क्या किसी ने आपसे परामर्श किया था?

श्री आर० के० बिसवाल: सर, हालांकि वहां पर पुलिस इंसपैक्टर मौजूद थे लेकिन जैसा मैंने आपको पहले बताया है कि हमें बात करने का समय बिल्कुल नहीं मिला।

श्री संतोष कुमार गंगवार: क्या आप थाने में नहीं गए?

श्री आर० के० बिसवाल: नहीं गए सर।

सभापति महोदय: धन्यवाद।

(4) Evidence of: Shri Jogindra Patnaik, Inspector, Sector 7, Police Station, Rourkela.

Mr. Chairman: Are you Mr. Patnaik?

Shri Jogindra Patnaik: Yes Sir.

Mr. Chairman: Mr. Jogindra Patnaik, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991, and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now, you may please take oath or make affirmation, as you like.

Shri Jogindra Patnaik: I will take oath.

(The witness then took Oath.)

Mr. Chairman: Mr. Patnaik, are you a member of the State Police Service?

Shri Jogindra Patnaik: Yes Sir. I am Inspector of Police and I am in, charge of Sector 7 Police Station.

Mr. Chairman: Does the NAC fall in your jurisdiction?

Shri Jogindra Patnaik: Yes, Sir.

Mr. Chairman: How far is it from the police station?

Shri Jogindra Patnaik: It is about 3.5 kilometres.

Mr. Chairman: What happened on the 2nd of November in the NAC office?

Shri Jogindra Patnaik: I was away from the police station in connection with an inquiry of an unnatural death case which turned into a case of murder later on. I had been to the hospital which is about ten kilometres away from the police station in connection with the post mortem of the deceased lady. I left the police station at about 10-11 AM which I had noted down in my station diary also. I returned to the station at 2 PM and I was informed by my staff that some lawless activities had taken place inside the NAC office. I proceeded there immediately and it was about 2.10 PM that I saw about 100 ladies. Before leaving Police Station I found an entry in the station diary that the Executive Officer Mr. Jena had come

to the police station and reported at 12.15 before Mr. Deo, Sub-Inspector that Member of the Mahila Samiti and some Congress Members ransacked the office. There was an entry about ransacking of the NAC Office and my Sub-Inspector made an entry in the station diary. It was Mr. Jena who had reported at 12.15 PM.

Mr. Chairman: Did he give something in writing?

Shri Jogindra Patnaik: It was made orally. It was noted in the station diary by Mr. Deo, Sub-Inspector who was in-charge of the diary during my absence.

Mr. Chairman: Was it written in the station diary that some Congress Party Members also damaged the furniture of the NAC office at 11.30 AM?

Shri Jogindra Patnaik: Yes, Your Honour.

Mr. Chairman: This information was given by Sector 3 police staff.

Shri Jogindra Patnaik: Yes Sir, Sector 3 Inspector was directed as subsequently, I came to know. That was my personal knowledge. I had no knowledge that Inspector of Sector 3 had already arrived.

Mr. Chairman: How was it confirmed that it was sent by Sector 3 police?

Shri Jogindra Patnaik: Inspector of Sector 3 informed my police station and that information was received by my Sub-Inspector, Mr. Deo in my absence and at the same time, the Executive Officer, Mr. Jena arrived at the police station and informed orally. I returned to the police station from the hospital at 2 PM and when I came to know about the incident, I reached the NAC office immediately. I reached there at about 2.10 O'clock. It might have taken me just ten minutes to reach there. There were some hundred ladies and some men. They were sitting outside the NAC Office and the Executive Officer was inside. DSP Shri Biswal was present there and some policemen were also there. In ten minutes, I took stock of the situation. I saw that the furniture inside the office was broken. Some files were thrown here and there. The filter was flung down and the candles were broken. The office staff were very pale and scared. Then I came to know that hon. Member of Parliament would be arriving. So, we all came out. I was told that the MP wanted to discuss the matter.

Mr. Chairman: At what time did you receive her?

Shri Jogindra Patnaik: At about 2.25 or 2.30 PM. The Executive Officer, myself and the DSP, Mr. Biswal received the hon. Member. We went inside the Council Hall. She was accompanied by some partymen. They all sat there. Members of Mahila Samithi were inside. I was present there because if anything untoward happens, I thought it was my duty to see that order prevails. All the members demanded that the Executive Officer should conduct a meeting then and there. I do not know the procedure.

But the EO expressed his inability in very polite terms. He explained very politely that he could not conduct the meeting then and there and elect a fresh President and oust the previous one. The discussion continued in this way till about 5.30. Then I went out just for five minutes to attend to the call of nature. When I came back, there was hulla-gulla and everybody was standing and shouting. Some staff of the NAC perhaps forcibly or voluntarily brought out the EO from the meeting place. The members of the Mahila Samiti . and the hon. Member did not like it. They insisted that the EO should come back and sit in the discussion. It was already 5.40 in the evening. About one hundred persons belonging to the Janata Party assembled on the road outside the main gate. The Executive Officer went away and sat in his office. The members of the opposite group shouted that the Congress people and the hon. lady Member should vacate the office because they had already occupied the office from 11.15 and they were not even allowing the Executive officer to move out and attend the calls of nature. They were also shouting that the people who were inside had already damaged the office furniture and deterred the public servants from duty. They shouted slogans against the Congress Party and also against the Honourable lady MP. There were counter-slogans from the members inside. These went to the extent of character assassination also and all this was happening in the presence of the police. We felt highly embarrassed and we did not know what to do and what not to do. The DSP who has been in Rourkela for a long time, was at the gate and requesting as also commanding the people not to shout and to disperse.

This continued from 5.40 till 6.30 or 6.40 in the evening. The Janata Party people were trying to break the police cordon. They were shouting that they would get the office premises vacated if the police could not do so. The people who were inside were mostly women with babies in their lap. Evening was approaching fast. I entered the Council Hall. The hon. MP was present there. I requested with folded hands to immediately vacate the premises. I said, "This is your Rourkela. In your very presence, ladies will be humiliated and assaulted by those people. We do not want such things should happen in your Rourkela. Why should you give scope for lathi charges, attacks and counter attacks?" The hon. Member asked me what to do. I asked her to immediately vacate the premises. When she asked me whether I could give her security, I said yes. I said I would accompany them personally and I would give them even conveyance if they have no objection. They asked us to take them out and leave them somewhere. I replied that it would be somewhat difficult because there was tension and there might be some stray incidents. I told them that I would bring my vehicle inside and take them out and give them protection and later I would leave them wherever they want me to leave. They agreed to do but she had her own car, which did not belong to here personally another Member of the Congress Party came in that white ambassador and I suggested her to travel in that car and I will take other members in my

vehicle. But she did not agree to it and said it does not look nice if I travel in my car and my other partymen come in a police van. So, they all came voluntarily in the police van. At that time I was under tension but I think there were about 70 people who came to the police station and stayed there.

I showed them all respect. I wanted to know what actually had happened in the morning as at that time I had no written report as to what happened in the morning. I stayed there from 2.10 P.M. to 6.45 P.M. during which I kept enquiring from either party—Janata Dal, Members of the Mahila Samiti. I noted down all the points in my diary after my return to the police station at 7.00 P.M. I do not know what happened thereafter. They went outside my office, came back and then demonstrated that they should all be shown as arrested including the hon. Member.

Mr. Chairman: Who told you this?

Shri Jogindra Patnaik: The hon. Member said "Since we have come to the police station in a police vehicle unless we are shown as arrested, we will lose our political standing before the other party." I explained to them that hence is not an occasion to arrest since there is no allegation against them. Then I informed to S.P. and Mr. Mishra, DSP, Headquarter arrived there. Another Inspector Mr. Uppadhyay also arrived there. All of us humbly explained to the hon. Member that there is no occasion for her to be arrested. We all requested her to leave the police station but she pressed that unless they are shown as arrested they are not going to leave the police station. Their demand and our request continued and at about 9.00 P.M. it started raining. Then at 10.15 P.M. I received the first report from Prabha Singh Das. She was present in the police station. She filed a written complaint against the staff members and some Members of the Janata Dal that she was mis-behaved by them. I registered that case.

Mr. Chairman: Was she a Member of the Mahila Samiti?

Shri Jogindra Patnaik: Yes Sir, and she was present at the police station. Then at 10.45 P.M. I received the report from the Executive Officer. After going through the report of the Officer, I found that 13 persons were named in that affair and after investigation it was found that 10 persons were available at the police station then. I arrested them and released them on bail. By that time it was about 12.00 O'clock.

Mr. Chairman: Was the name of hon. Member there in that report?

Shri Jogindra Patnaik: No Sir, though her name was there in the report but she was not named as an accused in the case.

Mr. Chairman: How can an Executive Officer say that so and so is accused and so and so is not accused? She was a part of the group which ransacked the office.

Shri Jogindra Patnaik: Sir, the incident took place at about 11.00 to 11.30 in the morning and the hon. Member was not present there at that time. She arrived at about 2.35 P.M.

Mr. Chairman: According to you, who were the persons who ransacked the office? Were they the one who wanted to hold discussion?

Shri Jogindra Patnaik: No Sir, they were not the persons who wanted to hold discussion. Their names have been mentioned in the FIR of the Executive Officer. Out of them 10 were available in the police station.

Mr. Chairman: Was the name of an MP there or not?

Shri Jogindra Patnaik: She was there.

Shri P. R. Kumaramangalam: A group of people was kept between 2 P.M. and 5 P.M. and they were not allowed to go for a natural call. In that group of people, one was an MP. How can you say that?

Shri Jogindra Patnaik: The Executive Officer alleged in his report that an hon. Member had also carried a lethal weapon in the car which came inside the office. It was in the record. I myself was present; my DS was also present; and more than 40 police personnel were also present.

Mr. Chairman: You see the report of the Executive Officer on page 2.

Shri Jogindra Patnaik: It was a registered case and the matter was investigated overnight about the veracity of the report.

Mr. Chairman: At about 12.15 P.M. Executive Officer came to the police station and informed about the incident of ransacking of the furniture. At that time, what he told is at variance with the report that was submitted.

Shri Jogindra Patnaik: He had no personal knowledge. He received information from one of his office staff; he gave that information to the police station.

Mr. Chairman: Do you want to say anything more?

Shri Jogindra Patnaik: I have nothing to say more. I came to know that the Executive Officer had no personal knowledge about the incident; he was absent from his office. After coming back to the office, what he had been informed either by his office or by some outsider, I do not know.

Mr. Chairman: Under your order all the 70 people were escorted to the police station at about 6.30 P.M.

Shri Jogindra Patnaik: We reached the police station at about 7 P.M.

Mr. Chairman: They were asked to go to the safer places. Till that time, no case was registered against them. And the safer place you thought was the police station. Could they not be left at some other place?

Shri Jogindra Patnaik: Some stray incident might be occurred.

Shri P.R. Kumaramangalam: Is there not any other place close to the police station?

Shri Jogindra Patnaik: Sector-III Police Station.

Shri P. R. Kumaramangalam: Why did you not take them over there?

Mr. Chairman: Could you not possibly take them somewhere other than the police station?

Shri Jogindra Patnaik: I apprehended that some stray incident might be occurred.

Mr. Chairman: You did not provide them security throughout the day, even after the incident took place.

Shri Kumaramangalam: Why did you not go to some other safer place? Why did you take them to the police station?

Shri Jogindra Patnaik: It was our jurisdiction.

Shri P. R. Kumaramangalam: This question comes when you want to book a case. In the case of security, the question of jurisdiction does not arise.

Mr. Chairman: They were actually discussing something inside and some people were shouting outside asking the MP to come out; and the staff people came inside. Actually, the culprits were those who were shouting slogans outside. They were to be taken to some safer places.

Shri Jogindra Patnaik: I apprehended that some clash might take place between the two groups. It was evening. Some ladies were there. I thought it was my jurisdiction. Let them go to the police station.

श्री राम सुन्दर दास: आप दो बज कर दस मिनट पर वहां पहुंचे, जहां पर यह घटना घटी थी, यह आपने बताया।

श्री जोगिन्दर पटनायक: हां, सर।

श्री राम सुन्दर दास: तो आप हाल में गए थे या बाहर थे?

Shri Jogindra Patnaik: I was inside the premises, inside the office.

श्री राम सुन्दर दास: आप आफिस के भीतर थे या आफिस के बाहर थे?

श्री जोगिन्दर पटनायक: आफिस के बाहर थे, आफिस के अन्दर भी इंक्वायरी की थी।

श्री राम सुन्दर दास: तो आफिस के भीतर आपने क्या देखा? फर्नीचर टूटा हुआ आपने देखा?

Shri Jogindra Patnaik: Office files were lying here and there. Furniture toppled and bitter broken.

श्री राम सुन्दर दास: आपने बाहर देखा कि जो लोग नारा लगा रहे थे वह आफिस के ही लोग थे?

श्री जोगिन्दर पटनायक: आफिस के लोग नहीं थे।

श्री राम सुन्दर दास: वह जनता दल के थे या कांग्रेस के लोग थे?

श्री जोगिन्दर पटनायक: वे कांग्रेस के लोग थे।

सभापति महोदय: जो लोग बाहर नारा लगा रहे थे उनको आपने किस सेक्शन में अरेस्ट किया?

श्री जोगिन्दर पटनायक: केस नम्बर 105 और 106 में अरेस्ट किया। 10 लोग ऐसे हैं जो पुलिस स्टेशन में थे उनको भी केस नम्बर 106 में अरेस्ट किया?

सभापति महोदय: कब अरेस्ट किया?

श्री जोगिन्दर पटनायक: केस नम्बर 105 में मुवक्कल को दो दिन बाद अरेस्ट किया और बेल पर रिलीज कर दिया।

श्री पी० आर० कुमारमंगलम: किस सेक्शन में केस रजिस्टर किया?

श्री जोगिन्दर पटनायक: 448 में ट्रेसपास इनसाइड दी आफिस और 323 में सिंपल हर्ट।

Shri P. R. Kumaramangalam: Why did you not arrest them the same day or at least the next day?

Shri Jogindra Patnaik: They were not available the same day. The entire night I was busy and next day also I was busy. After registration of the case my Sub-Inspector was entrusted with the investigation of the case. After that 10 persons were found.

Shri P. R. Kumaramangalam: At what time were they arrested?

Shri Jogindra Patnaik: 12 PM

Shri P. R. Kumaramangalam: Under what status were they with you between 7 PM and 12 PM?

Shri Jogindra Patnaik: They were never detained.

Shri P. R. Kumaramangalam: Once you arrest them at 12 O'clock their character between 7 PM and 12 PM becomes one of detention prior to arrest?

Shri Jogindra Patnaik: They were neither arrested nor detained. They insisted on sitting in the Police Station unless they are shown as arrested.

Mr. Chairman: They told you that unless you arrest them, their political status will be at disadvantage and only on that basis you arrested them.

Shri Jogindra Patnaik: They were never arrested.

Shri P. R. Kumaramangalam: Two specific and serious charges have been made by the Executive Officer against the hon. MP. One charge is that she brought in dangerous weapons in her vehicle to the premises thereby strengthening his case of charge of criminal trespass. Was an investigation of any portion of the charge done? If so, what was found?

Shri Jogindra Patnaik: It was found that as per report of the Executive Officer the hon. MP came in the car with dangerous weapons that was not true. The Executive Officer had no personal knowledge. He came to know from his staff and others.

Shri P. R. Kumaramangalam: What about gherao?

Shri Jogindra Patnaik: As regards gherao I was present there. From the time the hon. MP arrived till 6.30 P.M. we were in the Council Hall. That is not a fact.

Shri P. R. Kumaramangalam: About the incident at 11.30, did your investigation reveal that these 10 accused actually committed the crime alleged at 11.30?

Shri Jogindra Patnaik: My Sub-Inspector who investigated the matter, had recorded the statements of other witnesses of the office. He reported to me that 10 persons had taken part in the ransacking of the office in the morning hours.

Shri P. R. Kumaramangalam: You did not deem it fit to inform the Speaker that a Member of Parliament has been taken to the police station from 7 PM to 3.15 AM next morning?

Shri Jogindra Patnaik: The hon. Member came voluntarily to the police station.

Mr. Chairman: Who will come to the police station voluntarily?

Shri Jogindra Patnaik: We are in the field and we know that Honourable Members of Parliament do come to the police station voluntarily.

Shri P. R. Kumaramangalam: One of the privileges of MPs is that even if they are detained, intimation of the detention has to come to the Speaker. It did not occur to you that it should be brought to the notice of the Speaker.

Shri Jogindra Patnaik: I did not arrest the hon. Member. Nor was she detained at Police Station. I was requesting her every time. She was also requested by DSP and other Inspector. I had incorporated everything in my diary.

Mr. Chairman: In what capacity she would have been there till 4.30?

Shri Jogindra Patnaik: It is voluntary. Hon. Member was never detained by Police.

Mr. Chairman: Did she ask you to inform the SP?

Shri Jogindra Patnaik: Yes.

Mr. Chairman: Did you talk to SP?

Shri Jogindra Patnaik: My DSP talked to him.

Mr. Chairman: Did the SP come?

Shri Jogindra Patnaik: No.

Mr. Chairman: Did she inform the Collector also?

Shri Jogindra Patnaik: Yes.

Mr. Chairman: What did the Collector say?

Shri Jogindra Patnaik: Collector did not talk to me over phone. Hon. Member talked with Collector over phone and Collector also talked with my DSP over phone. But Collector did not come to Police Station.

Mr. Chairman: Was the SP in touch with you twice? Mr. Biswal was deputed by the SP.

Shri Jogindra Patnaik: Yes.

Mr. Chairman: He was deputed to see that nothing untoward happens. You also were informing SP. SP was always in touch. Even then he did not come.

Shri Jogindra Patnaik: Yes.

Mr. Chairman: You told them that Member of Parliament is here.

Shri Jogindra Patnaik: Yes.

Mr. Chairman: Even then he did not come.

Shri Jogindra Patnaik: Yes.

श्री सन्तोष कुमार गंगवार: एक बात आपसे पूछनी है कि जब आप उस स्थान पर पहुंचे तो डी०एस०पी० वहां मौजूद थे। क्या आपने उनसे वहां की घटना की जानकारी ली थी या उनसे पूछा था कि हमें क्या करना है?

Shri Jogindra Patnaik: We discussed about the incident, what to do and what not to do. At that time, we came to know that honourable Member of Parliament would be arriving for discussion with the Executive Officer.

श्री सन्तोष कुमार गंगवार: जितनी देर आप वहां पर रहे समय-समय पर जो आपके सर्विस डिवाइस थे उनसे आपकी बात होती रही?

Shri Jogindra Patnaik: Soon after the arrival of Hon. Member, I was inside the Council Hall or and in the meeting and the DSP Mr. Biswal was outside.

श्री सन्तोष कुमार गंगवार: जब लोगों को ले जा रहे थे उस समय आपकी उनसे क्या बातचीत हुई?

Shri Jogindra Patnaik: At that time, my DSP said that he was present outside the gate and he was tackling the other group of persons.

श्री सन्तोष कुमार गंगवार: क्या सबको ले जाने का फैसला आपने स्वयं किया किसी से ऐडवाइस नहीं ली?

Shri Jogindra Patnaik: I did not take his advice. The situation was such.

Mr. Chairman: You informed the SP that many persons have come to the Police Station. What did he say?

Shri Jogindra Patnaik: SP instructed me to request Hon. Member to go away from Police Station instead of sitting in the Police Station.

Mr. Chairman: How could the leader go? He does not know how she should be treated. This is a normal thing. Her followers were there. You could have given a treatment to the M.P. But what about her followers? They were not at fault. You registered a case against ten persons. But there were others also.

Shri Jogindra Patnaik: They did not vacate the Police Station. They demanded "We could not be successful in selecting our President. Collector, SP or ADM should come. They should give us the date when election should take place. Unless date is given by any senior officer of the District Administration, we are not going to vacate the Police Station."

Mr. Chairman: Was their demand justified or not? There were complaints against the President of the Mahila Samithi and all other Members were demanding her resignation and the meeting was fixed for 1-11-91. It was postponed without transacting any business. Naturally, when a notified meeting was cancelled without any intimation, it was correct on their part to demand a separate meeting to discuss and accordingly they came on the next date, on 2nd November. The Executive Officer started discussions also. Their main demand was to remove the President. Instead of that, the Executive Officer thought it fit to discuss the activities of the Samithi. There was no other point on the Agenda except that. There are complaints against the President that she should be removed or some assurance should be given. In the absence of any assurance, what can they do except peacefully demanding a certain thing to take place? Don't you think that the demand was correct?

Shri Jogindra Patnaik: Naturally, they could not be successful in removing the President, in spite of constant pressure brought to remove her because of her alleged involvement in corrupt practice. In the meeting also, they could not be successful. At the Police Station, they demanded the presence of Senior Officers. Naturally, some senior Officer should come and tell them that they were going to solve the Problem. They were asking "When we go back home, what explanation can we give to our husbands? They will say that we came back empty. You could not be successful in removing the President."

Mr. Chairman: Even at the instance of the Member of Parliament nothing could happen. They were having this feeling that even the Member of Parliament could not succeed.

Shri Jogindra Patnaik: Not exactly. Simply they expect an assurance from Senior Officer. Even the Executive Officer did not do anything. Some Senior Officer like the Sub-Collector or ADM should come.

Mr. Chairman: Nothing happened like that.

Shri Jogindra Patnaik: Yes.

Mr. Chairman: Did you go by scooter or jeep to the spot?

Shri Jogindra Patnaik: I was going by scooter.

Mr. Chairman: Why did you not go by jeep?

Shri Jogindra Patnaik: My vehicle was out of order.

श्री तेज नारायण सिंह: इन लोगों को जिनमें महिलायें भी थीं, Police Van ट्रक द्वारा पुलिस स्टेशन भेजने का फैसला आपने स्वतः लिया था?

श्री जोगिन्द्र पटनायक: मैंने स्वयं फैसला लिया।

श्री तेज नारायण सिंह: दोनों ओर से नारे लग रहे थे, आप खुद Police Van पर लेकर गये थे और पुलिस स्टेशन में रखा था?

श्री जोगिन्द्र पटनायक: जी हां।

श्री तेज नारायण सिंह: आप जिनको लेकर गये थे, क्या आपको जानकारी थी कि उनमें फरीदा टोपनो सांसद भी बैठी हुई हैं?

श्री जोगिन्द्र पटनायक: जी हां।

श्री तेज नारायण सिंह: पुलिस स्टेशन ले जाने के बाद क्या आपने S.P. को सूचना दी कि जिन लोगों को आप लाये हैं उनमें फरीदा टोपनो सांसद भी हैं?

श्री जोगिन्द्र पटनायक: जी हां, मैंने सूचित किया था।

श्री तेज नारायण सिंह: आपने उनको भोर में 3.12 पर छोड़ा उस समय बारिश हो रही थी।

श्री जोगिन्द्र पटनायक: पहले बारिश हो रही थी, रात नौ बजे से सुबह 2.30 तक हुई थी।

Mr. Chairman: At 3.15 a.m. you asked them to go. That was an occasion where you could have possible left them at a safer place. You asked them to go at that time.

Shri Jogindra Patnaik: I felt that a clash was going to take place between the two groups.

Mr. Chairman: In the morning at 3.15 a.m. when you asked them to leave the police station, did they go on their own accord?

Shri Jogindra Patnaik: No. They told me that they must be provided transport and they would go to the house of the local party leader Shri Bailochan Samal. Further, they wanted to go to the Collector who was camping there in the Circuit House. They were left in Police Van near the house of Shri Bailochan Samal near the Jail Road. The Collector was also camping near Pamposh. Once they were left, they would have taken their refreshments etc.

Mr. Chairman: You could have taken that decision at 7 O' Clock in the evening itself.

Shri Jogindra Patnaik: They did not agree. They insisted the presence of Superintendent of Police, the Collector or the ADM.

Mr. Chairman: The Collector and the Superindendent of Police did not come upto 3 A.M.

Shri Jogindra Patnaik: They did not come. But they went on their own accord.

Mr. Chairman: The charge was made out after the receipt of the FIR from the Executive Officer at 10.45 p.m. till 7 p.m. no charge was made out against them. You wanted them to go to a safer place. But they insisted on remaining in the Police Station itself. The point is the same status was available at 3.15 a.m. also. Then, you thought that they should be allowed to go anywhere. You could have taken this action at 7 p.m. itself.

Shri Jogindra Patnaik: I requested them very humbly, with folded hands. My DSP Shri Mishra was also doing the same. Another Inspector Shri Upadhyaya was there. I had incorporated everything in my diary.

Mr. Chairman: Thank you, You can withdraw now.

(The witness then withdrew)

Mr Chairman: Now, we can call Shri Sushil Kumar Pradhan, Superintendent of Police, Rourkela.

(5) *Evidence of Shri Sushil Kumar Pradhan, Superintendent of Police, Rourkela.*

Mr. Chairman: Shri Sushil Kumar Pradhan, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding the alleged arrest of Kumari Frida Topno, Member of Parliament, by the Orissa Police at Rourkela on the 2nd November, 1991, and non-intimation thereof to the Speaker, Lok Sabha.

(Direction 58 read out)

Will you take Oath or Affirmation?

Shri Sushil Kumar Pradhan: I will take Oath.

(Then, the witness took Oath)

Mr. Chairman: Mr. Pradhan you are the SP of the Rourkela District. Since when are you the SP of this district?

Shri Sushil Kumar Pradhan: I took charge on the 6th of August, 1989.

Mr. Chairman: Since how long have you been in service?

Shri Sushil Kumar Pradhan: I was in the State Police Service since 1973 and later on I was promoted to IPS.

Mr. Chairman: When were you promoted to IPS?

Shri Sushil Kumar Pradhan: I was promoted in 1987 and my year of allotment is 1982.

Mr. Chairman: Prior to this, in which district were you posted?

Shri Sushil Kumar Pradhan: I was posted in the Balasore District.

Mr. Chairman: Is this a second posting as SP?

Shri Sushil Kumar Pradhan: Yes, Sir.

Mr. Chairman: Do you know about the happening of 2nd November, 1991?

Shri Sushil Kumar Pradhan: I know it.

Mr. Chairman: What was that?

Shri Sushil Kumar Pradhan: I was in office on the 2nd November, 1991 when I received a telephone call from the Executive Officer of the NAC. It was about 12 O'clock, mid-day when he said that some people had entered into his office and had torn the files, thrown things here and there and broken some furniture. Immediately over VHP, I checked up from Sector-7 police station because it was the jurisdiction of Sector-7 police station. I came to know that the Inspector incharge was not there. He had gone to enquire some case. So, the nearest police station being the Sector-3 police station, Shri A.C. Jena was informed and immediately rushed to the place. Then immediately I deputed my Deputy SP Shri R.K. Biswal around 12.15 p.m.

Mr. Chairman: At what time did Shri Jena reach there?

Shri Sushil Kumar Pradhan: He must have reached between 12.45 p.m. to 12.30 p.m.

Mr. Chairman: Before that incident took place. Is that so?

Shri Sushil Kumar Pradhan: Incident had taken place between 11.15 a.m. to 11.30 a.m. because he told me that some of the persons who had broken the furniture had left the place and some were squatting in front of the office. Immediately I sent a platoon of the Orissa State Police. Later on when I checked up I came to know that this contingent had left for the NAC office at 1.50 p.m. Then the Inspector informed me that the number of squatters was gradually increasing. Some gentleman also arrived there at that time and he told me that the local hon. M.P. was coming to the NAC office in the afternoon. Subsequently I checked up and found that she reached the NAC office at about 2.30 p.m. and had some discussions with the Executive Officer regarding the election matters pertaining to the local Mahila Samiti of Timber Colony. Subsequently, I gathered from the DSP that when this discussion was going on in the conference hall of the NAC, some persons had gathered and thus number started increasing. Immediately I instructed more section to move to the spot.

Mr. Chairman: How many sections were deputed there in all?

Shri Sushil Kumar Pradhan: Altogether two platoons were deployed. Then the Inspector informed me around 5.30 p.m. that the discussion between the hon. M.P. and the Executive Officer did not yield anything and the deadlock was there and the Executive Officer had come out from the Conference Hall at the instance of some of his office employees. There was commotion outside and those who were opposed to this were saying that there was no fun in holding election and the present body should be

allowed to continue. But the people inside were saying that the dates should be fixed and fresh elections should be held. And then the Inspector thought it proper to request the hon. M.P. to leave the place so that normalcy could be restored and a clash could be avoided. Subsequently, I learnt from the police station around 7.00 p.m. that those persons along with the hon. M.P. were removed from the office and they were at the Sector-7 police station. I directed the DSP Shri Biswal to be present there as there could be stray incidents of clash. Then I sent another DSP Shri Mishra to Sector-7 police station so that everything was handled properly. I was in constant touch with the DSP. Then at about 9.00 p.m. Shri Mishra told me that the matter had been sorted out.

Mr. Chairman: How did he inform you at 9.00 p.m.?

Shri Sushil Kumar Pradhan: He informed me through the VHP which has been installed to all the patrolling vehicle. Subsequently, those persons who had come to the police station were requested to leave the place as police had nothing to do with them. But they demanded that they should be arrested and then only they would leave the police station. When they were insisting on that, I advised the DSP to explain the position to the hon. M.P. to tell her supporters to leave the police station. But she said that since they had come to the police station they should be arrested and if they were not arrested then she would be losing her political support. Finally, I learnt around 3 O' clock that the hon. M.P. had left the police station.

Mr. Chairman: They, were taken to police station, Sector-7, at 7.00 p.m. What was their status between 7.00 p.m. to 10.00 p.m.? Were they under detention?

Shri Sushil Kumar Pradhan: They were not under detention. What I have learnt is that they had been to the police station on the insistence of the hon. M.P. and they were demanding for their arrest. Perhaps, in that condition, they continued.

Mr. Chairman: Were they detained?

Shri Sushil Kumar Pradhan: They were not detained because they were not wanted.

Mr. Chairman: The incident took place at 11 o'clock and the Executive Officer reported to Sector 7 Police Station at 10.45 p.m. that is 11 hours after the incident took place. Could you not verify as to why such a long time has been taken?

Shri Sushil Kumar Pradhan: Subsequently I had verified from the Executive Officer. His contention was that he was absent when the incident took place—he was checking an octroi post.

Mr. Chairman: That was at 12.30 p.m. From 2.30-5.30 p.m., he was discussing with the M.P., and with other members. He could have

informed the Police between this period. Why did he choose to report only after 11 hours?

Shri Sushil Kumar Pradhan: As I submitted earlier, his contention was that he was almost surrounded by the members and that he had no occasion to prepare the report. It was only at 7.00 p.m. that he was able to collect the details and after getting it typed, he had sent it to the police.

Mr. Chairman: What was your reaction on that?

Shri Sushil Kumar Pradhan: Sir, his contention is correct because he was in a mental tension till 7.00 p.m. It was only after 7.00 p.m., he could sit down and write out a report.

Mr. Chairman: He was not present when the incident took place. He had submitted his report on the hear-say basis. He could have asked the person who was there when the incident took place to prepare a report and to inform the police immediately.

Shri Sushil Kumar Pradhan: His contention was that at about 7.00 p.m., he enquired from his office staff and then reported the matter to the police.

Mr. Chairman: While returning, the Executive Officer stopped at Police Station No. VII and informed the officer available there. He did not give in writing but he informed about the incident. But his duty was to immediately come to the office, enquire from the persons who were present at the time of the incident, take the factual report and something should have been given to you in writing. He did not do it. It was only after the MP along with other ladies were taken to the Police Station and that too 3½ hours after its happening, he chose to send a report to the police station.

Shri Sushil Kumar Pradhan: Sir, his contention was that till 7.00 p.m. he was in a mental tension.

Mr. Chairman: Nobody would believe that. Was any breach of peace was contemplated by the persons whom your officers took to the Police Station No. VII?

Shri Sushil Kumar Pradhan: The apprehension was that the group of persons who were inside had confined the officer and gheraoed him. My personal feeling is that their continued stay inside the premises would have given rise to a problem.

Mr. Chairman: Who gheraoed whom?

Shri Sushil Kumar Pradhan: Those persons who had come to the NAC in the morning, some of them continued to be inside the NAC office till 5.30 p.m. This group was mostly ladies from the Timber colony. So their continued stay inside the office premises would have given rise to a problem.

Mr. Chairman: How this is concerned with the late reporting to the police station?

Shri Sushil Kumar Pradhan: As I explained earlier, after 7.00 p.m., he sat down and started collecting the details from the employees and then he sent a report to the Police.

Mr. Chairman: What transpired between 7.00 p.m. till 4.30 p.m. on the following day? Why for such a long time the Member of Parliament and other ladies were kept in the Police Station?

Shri Sushil Kumar Pradhan: She had insisted that she should be arrested and then only she would leave the Police Station. Police had no option.

Mr. Chairman: I was told that she asked for the SP/Collector to come and resolve the problem and to give an assurance to solve the problem. The DSP talked to you and he told you that she is asking for you to come and resolve the problem. Was it not necessary to go there on your part?

Shri Sushil Kumar Pradhan: Sir, this is a revenue matter and the police have nothing to do with it.

Mr. Chairman: The question of MP was involved and when she asked the police officers to inform you or the Collector, and when it had been informed to you, was it not necessary to go there and resolve the dispute?

Shri Sushil Kumar Pradhan: By that time a senior police officer has already been deputed by me to Sector 7 Police Station.

Mr. Chairman: You were constantly in touch with your police officers!

Shri Sushil Kumar Pradhan: Sir, from time to time, I was in touch with the officers.

Mr. Chairman: You know that if an hon. Member of Parliament is detained or is said to be detained or arrested, you have to immediately inform the Lok Sabha Secretariat.

Shri Sushil Kumar Pradhan: Sir, she was not arrested and therefore....

Mr. Chairman: Then what was her status from 7.00 p.m. till 4.30 a.m., on the following day? Was she kept for questioning or was she under arrest or was she detained during that period?

Shri Sushil Kumar Pradhan: Sir, she was neither detained nor she was under arrest. She continued to be in the Police Station due to her insistence, along with other members.

Mr. Chairman: When she asked very clearly, not once but thrice, the DSP in-charge whether she was under arrest, she got the reply that she was under arrest. Also, some negotiations were taking place and they could have been informed to your higher ups. That was not done and when she demanded that the SP/Collector should come there and resolve the dispute, you also did not turn up.

Shri Sushil Kumar Pradhan: That was not the first occasion. Actually, before the elections, one incident took place in Sector 19 and the hon. M.P. was also present. Somehow a dispute arose between two political parties about the wall writing...

Mr. Chairman: This is a very simple case. When a Member of Parliament or for that matter any Member of the Legislative Assembly, if they are detained or kept in the Police Station for sometime, even it may not be for technical reasons, but otherwise you should have informed and you should have gone there immediately.

Shri Sushil Kumar Pradhan: My personal feeling was that the hon. M.P. was not arrested or detained by the police. Otherwise...

Mr. Chairman: We cannot understand this. In that case what was her status? There is no reason for remaining for such a long period in the police station.

Shri Sushil Kumar Pradhan: Sir, she was not wanted by the Police in any case.

Mr. Chairman: You showed that about 10 persons were arrested on the report of the Executive Officer and they were her supporters. As a political leader, do you think that she could have saved her skin and left her supporters at the mercy of the police unless some final logical conclusion has been arrived at?

Shri Sushil Kumar Pradhan: Only 13 persons were named in the F.I.R. and out of them 10 persons were available, and they have been arrested.

Mr. Chairman: The report of the Executive Officer says that at about 2.30 p.m. she came to the Office in a car along with certain persons in the car and that there was a lot of lethal weapons, etc.

Shri Sushil Kumar Pradhan: This is not correct.

Mr. Chairman: But, he has made a report like that. And on the basis of the report of the Executive Officer you took ten persons in custody and registered a case against them. This being the case, why did you leave the Member of Parliament?

Shri Sushil Kumar Pradhan: The report of the Executive Officer actually, has got two parts; one relate to the incident that took place in the forenoon and the other that has happened in the afternoon.

Mr. Chairman: Have you seen the report?

Shri Sushil Kumar Pradhan: Yes, I have gone through that report. These ten persons were arrested for what they have done at about 11.15 a.m. The statement that she came with lethal weapon, is not correct and the investigation reveals that the MP did not come like that.

Mr. Chairman: But, the statement of the Executive Officer is like this:

> "...Miss Frida Topno, accompanied by Vijaya Toppo and Lapamudra Mohanty, Chitta Pattiah, in a Car No. OSE-2732,

which had inside lathis and lethal weapons. They had with them, Ladu Patra, Vijaya Apot, Dillip Jena, Ananta Dhal and a few others...."

Shri Sushil Kumar Pradhan: This is totally incorrect.

Mr. Chairman: Then, why did you arrest those ten persons?

Shri Sushil Kumar Pradhan: As I told you earlier, those ten persons were involved in the incident that took place at about 11.15 a.m. and were arrested.

Mr. Chairman: But, she had come with lethal weapons.

Shri Sushil Kumar Pradhan: The allegation is not true. So, there was no occasion for the police to arrest her.

Mr. Chairman: Did you verify that?

Shri Sushil Kumar Pradhan: I got it verified. After the case was registered, I examined the Executive Officer and he told that he did not personally see that.

श्री तेज नारायण सिंह: आपने एम० पी० साहिबा एवं अन्य लोगों को पुलिस के छोड़ने के बाद क्या यह पता किया कि वे लोग ठीक तरह से अपने घरों को पहुंच गए?

श्री सुशील कुमार प्रधान: जी हां, सर।

श्री तेज नारायण सिंह: क्या-क्या प्रयास किए?

Shri Sushil Kumar Pradhan: I categorically instructed the Inspector in-charge. I categorically told the Inspector in-charge that those persons should be immediately released from the Police Station. The situation was also explained to them. The Police was interested in their security.

श्री तेज नारायण सिंह: क्या आपने यह सुनिश्चित किया कि आपके द्वारा किए गए उपाय पर्याप्त थे और उनको कार्यान्वित किया गया?

Shri Sushil Kumar Pradhan: I did two things apart from explaining the Inspector in-charge and checking that, I also sent another senior officer, Shri Maheshwar Misra, DSP to explain to the hon. Member of Parliament and request her to go back home from the Police Station.

श्री तेज नारायण सिंह: आपको इसके बारे में कब पता लगा?

Shri Sushil Kumar Pradhan: I learnt that at about 6 o'clock on the Third, Collector also talked with me from the Circuit House. But, he did not tell me that the Member of Parliament has been arrested or detained.

श्री तेज नारायण सिंह: आपने कहा कि आपने आदेश दिए थे कि सिक्योरिटी अरेंजमेंट सांसद महोदया एवं अन्य लोगों के किए जाएं, तो क्या वे किए गए?

Shri Sushil Kumar Pradhan: I had directed the Inspector in-charge to make all security arrangements for Honourable MP and others.

श्री तेज नारायण सिंह: यह तो आपने कहा कि आपने आदेश दिए थे लेकिन क्या वे अरेंजमेंट किए गए, इसका आपने पता किया था?

Shri Sushil Kumar Pradhan: I checked up and found out that he had made adequate arrangements.

श्री तेज नारायण सिंह: क्या आपने वाकई चैक किया था कि पर्याप्त सुरक्षा व्यवस्था की गई थी?

Shri Sushil Kumar Pradhan: He had made all security arrangements.

श्री तेज नारायण सिंह: मैं आपकी जानकारी के लिए बता रहा हूं कि उनकी सुरक्षा की कोई व्यवस्था नहीं थी।

Shri Sushil Kumar Pradhan: If you kindly permit me, I can explain. The incident took place in Sector 5. The hon. MP is staying in Sector 2 area, where Sector 3 Police Station is there. The Police Staff has been doing beat duty and patrolling. I had confirmed this to the Collector at 6 o'clock on the Third. I had personally checked that all security arrangements have been made.

Mr. Chairman: But, we did not get any explanation to the fact that from 7 p.m. in the evening upto 4.30 a.m. the next day, in what status and capacity she was there. Was she there as a detenu or as a person who was arrested or was she there for questioning?

Shri Sushil Kumar Pradhan: Kindly permit me Sir, I will explain. My personal reaction is that the MP herself insisted on her arrest along with the supporters and that only if they are released, she would leave. It was in this capacity, she continued to be in the Police Station.

Mr. Chairman: You did not arrest her even on her request.

Shri Sushil Kumar Pradhan: No, we did not arrest.

Mr. Chairman: Why was she there for such a long time? Could your Officers not tell her that it was impossible to arrest her?

Shri Sushil Kumar Pradhan: Kindly consider our predicament also. The hon. MP was explained sufficiently.

Mr. Chairman: Even though she was not wanted, she was kept in the Police Station for a long time. Her supporters were also kept in detention without any reason, along with the MP.

Shri Sushil Kumar Pradhan: The question of arrest arose only after 1045 o'clock when the case was registered.

Mr. Chairman: It was registered on the report of the Executive Officer. Before that, Mr. Jena was there at the scene of incident or not?

Shri Sushil Kumar Pradhan: He was there after the incident.

Mr. Chairman: He must have reported to him. The Executive Officer came to the Police Station at about 12.15 p.m. He also informed orally about the incident. Your Inspector Shri Patnaik says that he got the matter verified. On the basis of the verification, the arrest was shown. It was on the basis of the report submitted by the Executive Officer, the arrest could have been done. If your SI, under the direction of Inspector of Sector 7 Police Station, verified the facts of the incident, the arrest could have been made or shown even before that also.

Shri Sushil Kumar Pradhan: As per the legal procedure police just cannot effect an arrest unless there is a specific complaint.

Mr. Chairman: Complaint was made by the Executive Officer in the morning, and your Inspector, Mr. Patnaik says that he deputed his Sub-Inspector to verify and inquire into the case. He verified and found that the persons named in the FIR were actually miscreants. That is why they were arrested.

Shri Sushil Kumar Pradhan: The information came to the police station in a cryptic manner from the Executive Officer and, it did not mention the names of the persons who had entered into the office and damaged the articles.

Mr. Chairman: Your Inspector says that his Sub-Inspector enquired into the case and then found those very persons, whose names were available in the report of the Executive Officer, responsible for ransacking of the office. That is why they were arrested.

Shri Sushil Kumar Pradhan: I do not think so.

Mr. Chairman: But he has deposed here. So, it appears that these people and your officers also told the Committee that they were apprehending that some miscreants might create trouble for them. That is why they were taken to a safer place and in their wisdom, the safer place was the police station. Was there no other safer place? You could have left them at the house of the Member of Parliament itself.

If this was the intention that they were to be left at a safer place just to avoid any clash, why could they plan at seven in the evening? They had no answer to it.

Shri Sushil Kumar Pradhan: The police station itself is a public place and a safe place and the NAC ST office is within the jurisdiction of Sector 7 Police Station.

Mr. Chairman: The danger appeared at 7.30 in the morning.

Shri Sushil Kumar Pradhan: The development came in quick succession.

Mr. Chairman: Your Police Inspector says that it was raining that morning. Was it raining in the evening?

Shri Sushil Kumar Pradhan: No, in the evening there was no rain. Rain stopped by about three O'clock.

Mr. Chairman: They were actualy left at one place. The meeting could have taken place on 2nd November.

Shri Sushil Kumar Pradhan: This could have been done.

Mr. Chairman: I tell you that there is no explanation of this question. Firstly, their status was not known to anybody up to 10.45 p.m. when the arrest was shown of ten persons, whose names were included in the report of the Executive Officer. You might have left the name of the Member of Parliament for obvious reasons. I can understand it. But could you possibly believe that a leader of a particular group would leave their supporters like that at the mercy of the police? Some action could have been taken because you arrested them or you showed their arrest at 10.45 p.m. after

you got the report of the Executive Officer. Up to that time, the status of the persons, who were available in the police station No. 7 was not known to anybody whether they were in detention or they were kept for questioning.

Shri Sushil Kumar Pradhan: This might happen to persons who do not know the concerned person. My persons intimately knew the hon. Member of Parliament. She was an hon. Member in the State Ministry. We knew each other intimately.

Mr. Chairman: Do you have any guidelines from the Headquarters as to how to deal with the Member of Parliament in such cases.

Shri Sushil Kumar Pradhan: We have received.

Mr. Chairman: What are the guidelines?

Shri Sushil Kumar Pradhan: Yes, Sir.

Mr. Chairman: You cannot detain anybody without any reason even for one hour.

Shri Sushil Kumar Pradhan: Sir.

Mr. Chairman: Here a Member of Parliament was involved. You did not think it fit to visit yourself on her demand or on her request. It could have avoided the situation and then you could have informed the Speaker, Lok Sabha. In your own words, you said that she was asked to leave and she insisted....

Shri Sushil Kumar Pradhan: Sir.

Mr. Chairman: But you did not think it proper to do it.

Shri Sushil Kumar Pradhan: This I did not think, Sir.

श्री सन्तोष कुमार गंगवार: इसका मतलब मुझे ऐसा लगता है कि अगर कोई एम०पी० कहे कि मुझे अरैस्ट कीजिए तो आपकी मजबूरी होगी कि आप उसे थाने में बिठाकर रखें और जब वह कहे तब जाने दें। वे अपनी गाड़ी से पुलिस कैम्पस में आई थीं और पुलिस वैन में गई। कहा ये गया कि उनको सुरक्षा प्रदान की जानी थी पर वहां जाने के बाद सुबह साढ़े चार बजे वापस भेजा गया। अगर उनकी अरैस्ट नहीं थी तो उन्हें किसी समय भी घर भेजा जा सकता था। यदि उनका कहना था कि सबके साथ हमें भी गिरफ्तार कीजिए, एफ०आई०आर० 10.45 पर लिखाई थी, उसकी जांच की और पाया कि उसमें आधा पार्ट गलत है। मुझे ऐसा लगता है कि शुरूआत में पुलिस इसलिए ले गई कि सबको बन्द किया जाएगा। बाद में पुलिस को लगा कि ऐसा नहीं है, उसके बाद फिर चार बजे सांसद महोदया को छोड़ा गया।

Shri Sushil Kumar Pradhan: Firstly, whenever an hon. Member is visiting the office to get some information, the same should be explained to her. If it is not possible to show the records, which are secret, this may be mentioned to the hon. Member that this is the situation. The hon. Member should be treated with due courtesy.

Mr. Chairman: Don't you have the guidelines if, for many obvious reasons, it is not detention or arrest. If she was there in the police station, was it not necessary or was it not a part of the guidelines to inform about the situation to the Chief Secretary or to the Collector or the Deputy Commissioner in your area?

Shri Sushil Kumar Pradhan: So far as I know, if an hon. Member is arrested or is detained, an intimation is required to be sent to the hon. Speaker. But this was a separate situation where that guideline, to my mind, perhaps did not apply. Otherwise, when I informed almost everybody, there was no bar on sending another intimation.

Mr. Chairman: Are you aware of Section 57 of the CrPC which clearly defines 'detention'?

Shri Sushil Kumar Pradhan: Sir.

Mr. Chairman: If you detain somebody for more than 24 hours, within 24 hours, you have to present him before the Magistrate.

Shri Sushil Kumar Pradhan: Sir

Mr. Chairman: That is the maximum limit.

Shri Sushil Kumar Pradhan: The whole incident has developed into such a complicated sequence that pershaps it is required to be compartmentalised. Some persons entered into the office and broke the furniture.The second part was that there was a gathering in front of the NAC (ST) office and there was some development. When it was thought prudent by the Inspector in charge for their safety and for avoiding a clash, they were required to be shifted.

The Hon. Member comes the second part which is the most controvertial thing—whether she had been arrested by the police or she went on her own. Some persons entered into the office and broke the furniture, etc., which is correct.

Mr. Chairman: That is separate. You inquire into it and whatever you feel, you do it.

We are concerned with the treatment that was meted out to the Member of Parliament. The Member of Parliament remained in the police station for 11 hours. At least the Speaker of the Lok Sabha could have been informed. What made you not to do it? The inquiry into who ransacked the office is a separate point. But the Member of Parliament was there and she remained there for eleven hours and you are simply on taking the technical interpretation of the whole thing that she was not under arrest or detained and you did not think it fit to inform the Speaker of the Lok Sabha. This is not a valid explanation.

श्री राम सुन्दर दास: आपको कब खबर मिली की माननीय सदस्या थाने में चली गई हैं?

Shri Sushil Kumar Pradhan: At about 7.30 P.M., I got the information that the Member of Parliament had reached the police station.

श्री राम सुन्दर दास: यह साधारण कर्टसी की बात है कि आपने अपने अफसरों को खबर की, लेकिन वह खुद भी आपको खोज रही थीं। अपने अफसरों के माध्यम से आपने यह उचित नहीं समझा कि जाकर खुद उनसे मिलें और सिचवेशन देखें कि क्या बात है?

Shri Sushil Kumar Pradhan: My personal reaction was that this was a matter which involved the decision of the DM and others. I had not met her.

श्री राम सुन्दर दास: आप उनसे मिले या नहीं, यह नहीं पूछ रहे हैं? जो एफ०आई०आर० एजीक्यूटिव अफसर का, उसने रिपोर्ट की है कि एम०पी० की गाड़ी से लाठी और हथियार बरामद हुए और इन्हीं चार्ज पर कुछ लोगों को गिरफ्तार किया गया। उसमें एम०पी० भी थी और आपने जिक्र किया

कि आई०पी०सी० 105 और 106 में कुछ लोगों को गिरफ्तार किया गया। वह चार्जेस लाठी और हथियार रखने और तोड़ने का था या हथियार और लाठी को छोड़कर तोड़ने-फोड़ने के लिये केस किया गया था?

Shri Sushil Kumar Pradhan: As I mentioned earlier, this part of the FIR is not correct. I got it verified that the MP travelled in a car and no weapons were kept in that car. This part of the FIR is not correct.

श्री राम सुन्दर दास: एफ०आई०आर० गलत है तो आपने एफ०आई०आर० कब स्क्रूटिनाइज किया?

Shri Sushil Kumar Pradhan: On 3rd.

श्री राम सुन्दर दास: एफ०आई०आर० एग्जीक्यूटिव अफसर करते हैं। 2 तारीख को रात को 10 बजे एफ०आई०आर० दर्ज होने से पहले ही आपके अफसर ऐक्शन लेते हैं। क्या आपने इसको एग्जामिन किया? जिस ने केस दर्ज किया, वह सही किया या गलत किया? अगर आप कहते हैं कि एफ०आई०आर० गलत है तो जिस ने यह किया, उसके खिलाफ आपने कोई ऐक्शन लिया?

Shri Sushil Kumar Pradhan: The case has not been closed. It is still going on.

श्री राम सुन्दर दास: आपने साधारण कर्टसी को भी मेंटेन नहीं किया। एम०पी० को बैठे 10 घंटे हो गये तो न तो आप थाने गये और न ही आपके कलेक्टर गये। बाद में पुलिस ने इस पर विचार किया। आपने ठीक समय पर खबर नहीं की। जिस केस में एम०पी० थी उसको आपने देखा नहीं और न ही उस पर गम्भीरता से विचार किया। जब देखा कि फंस जायेंगे तो एम०पी० का नाम छोड़ दिया। दूसरी बात यह है कि जब एम०पी० इनवाल्व थीं और एफ०आई०आर० दर्ज हुआ, 4 घंटे, 6 घंटे के बाद हुआ उस समय आपकी ड्यूटी होती थी कि उसको एग्जामिन करके देखना कि क्या बात है? न आपने उसको देखा और न ही उचित समय पर एम०पी० से जाकर मिले।

Shri Sushil Kumari Pradhan: I have admitted that I had not met the Honourable M.P.

श्री राम सुन्दर दास: आपको मिलने में क्या दिक्कत थी?

Shri Sushil Kumar Pradhan: Sir, excuse me for saying that there is a certain official procedure for registering cases in a police station and for their scrutiny. The FIR was lodged at 10.45 PM in the second night. A copy of the FIR was sent to SP's office. And I have admitted that I have not gone to the police station.

सभापति महोदय: वह तो उन्होंने एडमिट किया है।

श्री तेज नारायण सिंह: आपसे इस घटना के विषय में जो रिपोर्ट मांगा था, वह कब और किस तारीख को मांगा गया था और किस तारीख को वहां रिपोर्ट सम्मिट किया?

Shri Sushil Kumar Pradhan: I have sent my detailed report to the Home Secretary, as he had asked to submit a report. I had sent it on the 27th November. I am sure because the Joint Secretary had asked me over telephone as to whether I have sent it and I said that I had sent it.

Shri Tej Narayan Singh: On which date did you receive the notice and on which date did you submit the report?

Shri Sushil Kumar Pradhan: The Home Secretary had sent the message which was dated 26th November and I had submitted the report on 27th November, that is, the next day of his asking for the report.

Mr. Chairman: Thank you.

(The witness then withdrew)

(6) Evidence of Shri B.C. Patnaik,
Home Secretary
Government of Orissa

Mr. Chairman: Shri Patnaik, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November 1991, and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under Rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now, you may please take oath or make affirmation as you like.

(The witness then took oath)

Mr. Chairman: Are you from the All India Services?

Shri B.C. Patnaik: Yes Sir. I am from the 1964 Batch and I belong to Orissa Cadre. For the last six months, I am the Home Secretary.

Mr. Chairman: What did you do about the incident that took place on 2 November 1991 in Rourkela in the premises of the Notified Area Committee?

Shri B. C. Patnaik: Actually, on receipt of the message from the Home Ministry regarding the alleged arrest of the Hon. M.P. Kumari Frida Topno, we called for a report from the SP, Rourkela. The first report was that the Hon. Member was not arrested and accordingly we intimated the Home Ministry on 27th. Thereafter, the Home Ministry again asked for a detailed report. We collected the detailed report from the SP, Rourkela and sent it on 6th December.

According to the report received from the SP, Rourkela, one Sarala Mahila Samiti is functioning in Rourkela as a neighbourhood committee since 1989. Some of the members of the Committee made some allegations against the President of the Committee and wanted change of President. The Executive Officer, Rourkela issued a notice fixing the meeting of the members on 1st of November.

Mr. Chairman: What was the agenda of the meeting?

Shri B.C. Patnaik: As we understand, it was a meeting of the members of the Neighbourhood Committee. There were 13 members and they were supposed to elect a President or whatever it was. Arising out of the postponement of the meeting, there was some problem on 2 November. At about 11.15 a.m., 200 supporters of the Congress (I) including 70 ladies

assembled in front of the NAC office. The Executive Officer was absent. They wanted to meet the EO. When they could not meet him, they ransacked the EO's office. On hearing this, the EO arrived on the scene at about 12.30. By that time, the damage to his office had been done. The police also arrived and around 2.30, Kumari Frida Topno arrived. They discussed with the Executive Officer. Their main demand was that the EO should hold the meeting of the members. The EO expressed his inability to hold the meeting because he had sought some clarifications from the Additional District Magistrate.

Mr. Chairman: The meeting was postponed by the EO from 1st November to 2nd November. What was the reason for the postponement?

Shri B.C. Patnaik: According to the EO's report, had the meeting been convened, there would have been serious law and order problems.

Mr. Chairman: That should have been considered before issuing the notification.

Shri B.C. Patnaik: It was a mistake. He should have anticipated it.

Mr. Chairman: He issued a notice postponing the said meeting fixed for 1.11.91. At whose behest was it postponed to 2nd November? Was he instructed by some higher-ups to postpone or cancel the meeting? Was he not apprehending any breach of peace at the time of convening the meeting? The reason of the meeting was known and the members were against the President. They were demanding a change of the President. So, the purpose was known to everybody. Knowing fully well that the meeting was called for that purpose, what was the reason for immediately postponing or cancelling the meeting? Under whose orders was it done?

Shri B.C. Patnaik: From the data available with us, it appears that it has been postponed on getting information that holding the meeting would lead to some law and order situation.

Mr. Chairman: You are not following my question. Was this apprehension not known to the EO at the time of issuing the notice for holding the meeting on 1st November?

Shri B.C. Patnaik: When he was present, I asked him why he postponed the meeting. This postponement has started all this trouble. He explained that at the time of issuing the notice he was not aware of any trouble. The Extension Officer went to the neighbourhood and reported back to the EO that if the meeting was held, it might create problems.

Mr. Chairman: Will the Home Secretary postpone the meeting of the Legislative Assembly or some Committee, if somebody were to express some apprehensions about it?

Shri B.C. Patnaik: This was a small committee. There were hardly 13 members.

Mr. Chairman: But the postponement was the bone of contention for all this trouble. There were serious allegations against the President. These 200 people gathered there because they were aggrieved that the meeting was postponed. Was it not a genuine demand of the Sarala Mahila Samithi? What is your reaction?

Shri B.C. Patnaik: Frankly speaking, they have a right to demand this.

Mr. Chairman: The NAC committee consists of some members taken from the neighbourhood committees. The Collector, the SP, the Executive Officer, one Minister as also the Local MLA are all members. This is the constitution of the Committee. They are the recepients of certain grants also from the Government. The members of the Committee were demanding unanimously for the change of the President. Before that, a Member of Parliament wrote a letter to the Executive Officer and on the basis of the letter of the MP and other complaints, this date was convened. So, it appears that the meeting has been postponed to hush up the matter

Shri B.C. Patnaik: I cannot say why the meeting was postponed.

Mr. Chairman: How will you react as a senior officer?

Shri B.C. Patnaik: The postponement was the root-cause of all this trouble. The meeting should have taken place on that day.

Mr. Chairman: Out of 13 members, we were told that 11 were present. The President was not present and one Member was absent. The meeting could have taken place without the President.

Shri B.C. Patnaik: I have not read the bylaws.

Mr. Chairman: Leave that aside. We were told that at 6.30, certain ladies, certain members of a particular group along with the Member of Parliament were taken to the police station No. 7. What were the reasons for doing this?

Shri B.C. Patnaik: Actually, the local police apprehended a serious breach of peace because there were two groups. One group, mainly ladies with children were inside with the Member of Parliament. Outside, the supporters of another party gathered and shouted slogans. Immediate clash was imminent between the two groups. The police has to interpose to defuse the situation.

Mr. Chairman: If it was decided that they should be taken to some other place to defuse the situation and avoid ugly scenes, where was the necessity of taking them to the police station? They could be taken somewhere else, when there was no case against them and when there was no FIR lodged against them. If the police thought that they should be removed from the scene in the interest of their safety or in the interest of avoiding a clash, they should have been taken to some other safer place or they should have left at their respective houses. Why were they taken to the police station?

Shri B.C. Patnaik: I did check it up with the police. They said that if the opposite group were to follow them, there would be problem.

Mr. Chairman: They were kept in the police station for about 11 hours. They were let off at 4 O'clock. Was it a time, considered very safe by the police, to leave them?

Shri B.C. Patnaik: As per the data with us, the officer in charge who appeared before you explained to the hon. MP and her supporters that they were not under arrest and only those who were involved in the ransacking of the NAC office would be arrested and not all. But they refused to leave even when they were told that they could go. This is what he explained.

Mr. Chairman: The persons responsible for ransacking the office were identified on the basis of the report of the EO because they were named in the FIR. The report of the EO says that at 2.30 p.m. the MP came in her car with several other persons accompanying her. It is stated that they have come with lathis and lethal weapons. That means a very serious complaint has been made in the report of the Executive Officer, on the basis of which 10 persons have been shown to be under arrest after 10 p.m. Why were they not arrested before?

Shri B.C. Patnaik: The Officer incharge told them repeatedly that they were not under arrest; they did not intend to arrest them.

Mr. Chairman: Between 7 p.m. and 10.45 p.m. what was their status? How were they kept in the police station? It was not explained by anybody.

Shri B.C. Patnaik: Our report is on the basis of the report we have received from the SP.

Mr. Chairman: Can you possibly think that a Member of Parliament can go to the police station along with her supporters for nothing? At 10.45 p.m. ten supporters are shown as arrested and she was told to go home.

Shri B.C. Patnaik: No police officer can dare to detain her.

Mr. Chairman: She was kept upto 4.30 a.m.

Shri B.C. Patnaik: The Officer incharge already appeared before you told her with folded hands that she was not under arrest and only a few of them were under arrest.

Mr. Chairman: Was she given anything in writing that she was not under arrest and was there any film to show that he told her with folded hands that she was not under arrest.

Shri B.C. Patnaik: No.

Mr. Chairman: Something in writing should have been given to her that you were free to go home. But all the police officers are interpreting this as an arrest or detention. But the fact is that she remained in the police station for 5-10 hours. Was it not necessary on the part of anybody there to inform the Headquarters or to inform the Lok Sabha Secretariat about

this. According to rule 229, it is the duty of the arresting authority to inform the hon. Speaker, Lok Sabha about the arrest of any member. You took a plea that it was not an arrest. But she was kept there for 10-12 hours. Was it not necessary for the officer to inform about it to the Lok Sabha Secretariat?

Shri B.C. Patnaik: She remained there of her own.

Mr. Chairman: How do we believe it? There was no film of the police officer telling the MP with folded hands to go home. She has got nothing to do with the function. When a complaint was made to an MP, as a representative of the people, she wanted to discuss threadbare across the table with the Executive Officers and find out a solution; possibly for that purpose, she went there and she made all possible efforts to see that the dispute was settled. She went there and discussed the things for three hours continuously. Suddenly, the Executive Officers left the place and then they were arrested. When they were taken to the police station, she asked whether I was under arrest. She was told thrice that she was under arrest. Now you say that she was not under arrest. How do we believe it? Was it not incumbent on the local police officer to inform the Lok Sabha Secretariat about it? If some breach of peace was there, If persons were to be removed from the scene, they should be taken to some other safer places; that could have been done.

Shri B.C. Patnaik: I was told that if they would have been dropped *enroute*; there would have been trouble.

Mr. Chairman: The plea of the Orissa Government is not tenable. That is why was it not necessary for you or for that matter any officer of that rank to inform the Lok Sabha Secretariat about it? We are only concerned with one fact. Why did the local officer or the Government of Orissa not inform the Lok Sabha Secretariat about it under rule 229? This is known to every State Government. Even for two hours, if a Member of Parliament is taken in a police van, then the time is noted.

Shri B.C. Patnaik: We are doing it. Last year we did it.

Mr. Chairman: Why was not done in this case?

Shri B.C. Patnaik: Because she was not under arrest.

Mr. Chairman: It is a normal courtesy shown to a Member of Parliament. Your Government did not care to do it.

Shri B.C. Patnaik: We reported on 27th to the Home Ministry that she was not under arrest.

Mr. Chairman: After several reminders from the Lok Sabha Secretariat the Lok Sabha Secretariat sent eight reminders. The first letter was sent to the Home Secretary on the 8th November by the Lok Sabha Secretariat.

Shri B.C. Patnaik: About this one, we received a telex.

Mr. Chairman: This was a detailed report about the incident. The Lok Sabha Secretariat wanted to know from the Orissa Government about the non-intimation of the arrest of a Member of Parliament. That was the main concern. The facts of the incident are separate. They may be enquired into and the guilty may be punished.

We simply wanted to know as to why the Government of Orissa did not intimate the Lok Sabha Secretariat as per rule 229?

Shri B.C. Patnaik: On 21th of November we informed the Home Ministry that the Member of Parliament was not arrested. We did not get any letter from the Lok Sabha Secretariat directly. We received the first letter of 19th November on 20th November. 21st was holiday, on 22nd we contacted the SP Rourkela.

Mr. Chairman: We will ask the Home Ministry about the delay. But this was a very simple thing.

Shri B.C. Patnaik: We are extremely sorry for this.

Mr. Chairman: Had the Collector been there, the situation would have been entirely different.

Shri B.C. Patnaik: I asked the Collector also. His explanation is that hon. MP wanted him that he should inform the date of convening the next meeting.She wanted him to interevene in the matter and give an assurahee.

Mr. Chairman: He could have come and discussed with her.

Shri B.C. Patnaik: Actually both of them should have gone there.

Mr. Chairman: The case has been mishandled for nothing.

Shri B.C. Patnaik: I am sorry for that.

Mr. Chairman: Probably the local officers feel themselves as super bosses. This is an attitude which the Britishers used to have. This cannot happen in a democracy. Now everybody wants assurance from the highest level present at the moment. I do not know whether you have issued any guidelines to your officers down below in this regard.

Shri B.C. Patnaik: We will issue the guidelines. But I am sorry for the inconvenience caused to the Hon. Member.

(The witness then withdrew)

(7) Evidence of Shri P.C. Mitra, District Magistrate, Sundargarh.

Mr. Chairman: Shri P.C. Mitra, you have been asked to appear before this committee to give you evidence in connection with the question of privilege regarding the alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2nd November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the report of the

Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or make affirmation as you like.

(Then the witness took Oath).

Mr. Chairman: Shri Mitra, what do you know about his incident which took place on 2nd November in the Office of the Executive Officer, Notified Area Council?

Shri P.C. Mitra: Sir, I will tell you from the point I came to know. On 2nd November, I was to go to Tansa. I reached Rourkela at about 10.45 P.M. because I was late. I halted at Circuit House. I got a telephone call from the MP between 11 and 12 O'clock. She narrated that she went to NAC Office at about 2.30 P.M. and she was having discussions with the Executive Officer along with some hundred ladies and men regarding certain problems pertaining so Sarla Mahila Samity. While the discussion was going on in presence of Police Officer in-charge of Sector 7 Police Station, suddenly a group of Janta Dal hooligans used abusive language against her and the ladies, forcibly entered the conference hall and took away the Executive Officer. After that the MP along with seventy persons including ladies were brought by a police van to the police station. She told that she was trying to contact ADM, SP or DIG. But, nobody was available. Then, I enquired from her as to what was the difficulty? She said that she was brought to the police station and nobody was coming. She asked the police officer, I was informed that nobody was available. I asked her to handover the telephone to the Officer-incharge. At that time, I enquired from Deputy Superintendent of Police. He informed me that after this incident, they were taken in a police van to sector 7 police station. He later on told her to leave, but she did not leave the police station. I again talked to M.P. and told her if you are not arrested then why are you staying in the police station? She said that my colleagues are there and I won't go. I told her, Madam, unless I hear and assess the situation, I cannot say anything. First, let me know what is the problem? Then, I will give you a date. I also told her that, I will take you in my vehicle. She said, I would not go. She insisted on giving some date. She refused to come out. Then, in the morning at about 6 O' Clock, she came to the Circuit House along with some about 100 followers including ladies & childrens . We had a discussion. She said please see to it. I told her that I will look into it.

Mr. Chairman: Did you order any enquiry?

Shri P.C. Mitra: Yes. I have got a copy of the enquiry conducted with me. I went to Bhubaneshwar. I asked the Superintendent of Police to give a wireless message to the ADM and make an enquiry. Then, an enquiry

was made. Then, I discussed the matter with SP and ADM. I asked why did you not go there on the MP's request? But, Additional District Magistrate, Rourkela was not available on the evening of the date of the incident and could not be contacted. Hon'ble Member said unless somebody comes, I would not go and unless some date is given, I would not go. I made an enquiry and I sent the report on 8th November, 1991.

Mr. Chairman: You sent the report to the Revenue Divisional Commissioner and he forwarded it to the Government. What is the headquarter?

Shri P.C. Mitra: Sambalpur.

Mr. Chairman: Are you a Member of the Notified Area Committee?

Shri P.C. Mitra: No. Executive Officer is there.

Mr. Chairman: Is some Minister also a Member of the Committee?

Shri P.C. Mitra: Collector is the Chairman of the District level Committee. ADM (Hqrs) is the District Co-ordinator. District Magistrate is the Head of the District level Committee. This is under Urban Basic Service Scheme.

Mr. Chairman: How does the NAC come into the picture?

Shri P.C. Mitra: These neighbourhood committees Under urban basic services scheme are under the direct control and supervision of Executive Officer NAC(ST).

Mr. Chairman: She was asked to come to the Police Station knowing fully well that the matter is not being resolved by the Officers below you. Neither SP nor the DIG was available.

Shri P.C. Mitra: SP was there.

Mr. Chairman: None of you came there. You are the highest Officer. If some deputation comes to your Officer below you and the matter is not resolved, will they be satisfied if only they meet you? Any complaint should be dealt with by the Collector. Did they require the Chief Minister to meet the delegation and give some assurance? Don't you think that by your intervention, things would have taken a different shape?

Shri P.C. Mitra: I could have gone but I still think that I could not have given her a date immediately.

Mr. Chairman: You could have refused there also.

Shri P.C. Mitra: I told her that if she wants, I will help her to take her to her residence.

Mr. Chairman: The Police people say that they did not arrest her. But they did arrest the other ten people on the basis of the FIR filed by the Executive Officer. They were taken to the Police Station at 7 PM and between 7 PM and 1030 PM, they were not under arrest. No charge was

made out against them. But at 10.30 PM, the Executive Officer files an FIR and according to that report, the persons whose names were included in that report were shown as under arrest under Section 57 of the IPC.

Do you think that people's representative whose supporters have been arrested before her under certain charges of offences will be left alone? You should come and resolve the situation. She asked the Police Officers "Am I under arrest?" She was told "Yes. You are under arrest." Did you explain the situation?

Shri P.C. Mitra: When I enquired about it, I found that she was not arrested actually.

Mr. Chairman: What was the status of those ten persons who were shown as arrested after 10.45 PM?

Shri P.C. Mitra: They were all asked to go because they were brought at 7 O'Clock and FIR was received by them at 10.40. They could have all gone.

Mr. Chairman: Have you given anything in writing that they were not required there?

Shri P.C. Mitra: No.

Mr. Chairman: FIR could have been lodged from 11 AM to any time in between. FIR was lodged 11 hours after the incident took place.

Shri P.C. Mitra: A person went and informed the Executive Officer. Immediately the Executive Officer came and he was involved in discussions till 7 PM. When everybody left, he took some time. He told me that he did take some time.

Mr. Chairman: Have you seen the report of the Executive Officer? He has charged that at 2.30 PM a Member of Parliament came in a car with certain persons arrested under different Sections of the IPC. He reported that she came in a car with lathis and lethal weapons a long with others.

Shri P.C. Mitra: He said "I have not seen. Somebody told me. I was inside."

Mr. Chairman: On the basis of the report, those persons were arrested.

Shri P.C. Mitra: Ten persons.

Mr. Chairman: It was reported against the MP also that she came in her car with lethal weapons and lathis.

Shri P.C. Mitra: I have great regard for her.

Mr. Chairman: You know under Section 57 of Cr. P.C., detention is not warranted without assigning any reasons. The maximum period is 24 hours. For not one single hour, one is to be detained without assigning any reasons. You consider ten persons on separate footing and Member of Parliament on separate footing and the report was that she was also involved in the same offence.

Shri P.C. Mitra: I requested her to go.

Mr. Chairman: Nothing was given in writing to her.

Shri P.C. Mitra: I told her "No case is made out against you. You are at liberty to go" I requested her at 11.30.

Mr. Chairman: On 3rd November, 91 she wrote a letter to you.

Shri P.C. Mitra: That letter had reached my office on 11th and from 9 to 11, I was on leave. I went to Calcutta. I came on 12th. I saw that letter on 12th. It reached my office on 11th. I enquired why it was delayed. She handed over to the Officer in charge Police Station. Then the Officer made a receipt and it was kept in a cover and that cover was sealed and it was given to the Police Officer to be handed over to me. Next morning I was not there. The Officer sent through the Post Office and I got it only on the 12th.

Mr. Chairman: According to the Police version, the ten persons along with the Member of Parliament were removed from the scene in order to take them to some safer place. We have been asking all the persons who deposed here whether the Police Station was the safer place for her to be taken.

Shri P.C. Mitra: The officer in charge was there. He thought that that would be the best place.

Mr. Chairman: They were asked to go at 4.30 A.M. in the morning. Why was it done so?

Shri P.C. Mitra: After they went there, they were able to go away immediately. But the Member of Parliament did not want to got. She contended that when she had come along with her colleagues, she should also be arrested.

Mr. Chairman: That is correct because some cases were made over against her followers without going into the details. The cases were made over only on the basis of the FIR lodged by the Executive Officer and that too was on the basis of the enquiry made by the Sub-Inspector under the control of the Inspector of Police Station No. 7. The point is that the Member of Parliament was not found to be involved in this. Further, the arrest of 10 followers of the Member of Parliament was made under certain Sections of the IPC. How could she leave then unless she was satisfied that the arrest was made in a correct fashion? Some assurance must have been there for the resolution of the dispute.

Shri P.C. Mitra: She was insisting on an assurance for holding the election. But I could not give any assurance. Without getting the report, I actually did not know what was the matter. That was my mistake.

Mr. Chairman: Had you gone there, things would have taken a different turn. Even if you give a technical explanation of the situation stating that she was not under arrest and that she wanted to stay in the Police Station

on her own, you could have informed the Lok Sabha Secretariat. Almost everyday there are such incidents taking place. You take them and after some time leave them somewhere. You pick up people like this.

Shri P.C. Mitra: The Member of Parliament could not be picked up.

Mr. Chairman: Even if you take a Member of Parliament for two hours there, certainly the information should be sent to the Lok Sabha Secretariat. It took more than half a month for the Government of Orissa and all its officers to inform this matter. You came to the conclusion that it was not an arrest. You were harping on this premise only.

Shri P.C. Mitra: We were under the impression that only detention and arrest should be reported. We did not inform because we thought that this was neither a detention nor an arrest. Further, I personally requested the hon. Member of Parliament to leave. I came forward personally to take her back.

Mr. Chairman: The meeting was called by the Executive Officer after giving a due notice. It was scheduled to take place on 1st November 1991. But surreptitiously the meeting was cancelled. No reason was assigned to that effect. He agreed to hold discussion on some points. Discussions took place for a pretty long time, for three hours. But nothing came out of the meeting. When the supporters of some other party who were demanding that the Member of Parliament should come out; there should be no date fixed, under pressure she was arrested. Along with her, some others were also arrested. From 7 P.M. to 10.30 P.M. the status was not at all known.

Shri P.C. Mitra: The other party members did not enter the premises. They were the supporters of the NAC.

Mr. Chairman: The point is that a peaceful meeting was taking place upto 5.30 P.M.

Shri P.C. Mitra: Yes.

Mr. Chairman: The people who were standing outside created tension. They wanted the Member of Parliament to come out. Is it so?

Shri P.C. Mitra: Some Staff went inside and they created tension.

Mr. Chairman: Had you arrested the staff?

Shri P.C. Mitra: They had not been arrested.

Mr. Chairman: The ladies who had been having a peaceful meeting inside were arrested. That too was based on the report of the Executive Officer which said that the Member of Parliament came in her car with lathis and lethal weapons. You relied on the report of the Executive Officer; arrested the 10 persons who were the supporters of the Member of Parliament.

Shri P.C. Mitra: Those who were arrested were not present in the meeting. They were related to an earlier incident a.m.11.30 A.M.incident. At that time some vandalism took place. On that basis they were arrested.

Mr. Chairman: Even then you could have gone there and resolved the matter.

Shri P.C. Mitra: That was my mistake. I am sorry.

Mr. Chairman: Now you can go. Now you can go.

(The witness then withdrew)

Tuesday, 21 January, 1992

PRESENT

Shri Amal Datta—*In the chair*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Shri Bhagwan Shankar Rawat

SECRETARIAT

Shri T.S. Ahluwalia —*Joint Secretary*
Shri S.C. Rastogi —*Under Secretary*

WITNESSES

1. Shri A.C. Jena—Inspector-in-charge, Sector 3—Police Station, Rourkela.
2. Shri Kalucharant Chhotray—Junior Clerk—Notified Area Council (Steel township), Rourkela.

(The Committee met at 15.15 hours)

(1) *Evidence of Shri A.C. Jena, Inspector-in-charge, Sector 3 Police Station, Rourkela.*

Mr. Chairman: Shri Jena, you have been asked to appear before this Committee to give evidence in connection with the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or make affirmation as you like.

(Then the witness took the oath)

Mr. Chairman: You have been an Inspector-in-charge of Sector 3 Police Station of Rourkela on 2nd November, 1991.

Shri A.C. Jena: Yes.

Mr. Chairman: Had you gone to NAC (ST) from where the M.P. had been brought to the Police Station?

Shri. A.C. Jena: On that day, at 11.45 A.M., I was informed by my S.P. to maintain law and order in NAC (ST) Office. I had been to the NAC (ST) Office and reached it within five minutes because it is very close to my Police Station.

Mr. Chairman: At what time did you reach there?

Shri A.C. Jena: I reached there at 11.50 A.M. It will take five minutes. On reaching the spot, I saw 100 persons mostly ladies gathering in front of the Office and they were shouting slogans for fulfilment of their demands.

Mr. Chairman: I did not ask that question. Did you see the M.P. arriving in that Office?

Shri A.C. Jena: I was in the Office. I had not seen the M.P. The hon. Member was not in Office.

Mr. Chairman: When did you leave Office?

Shri A.C. Jena: I left Office at 12.40 P.M.

Mr. Chairman: Did you go back to that Office again?

Shri A.C. Jena: I had not been to that Office a second time.

Mr. Chairman: Were you present when the M.P. was put in the Police van?

Shri A.C. Jena: I was not present at the spot.

Mr. Chairman: Who was there in charge of the police force from your Police Station and located near that Office or in that Office?

Shri A.C. Jena: That area is not under my Police Station limit. As the inspector in-charge of Sector VII was absent at the time of the occurrence, my S.P. asked me to go there simply to maintain law and order.

श्री राम सुन्दर दास: जहां यह घटना घटी वह एरिया आपके अंडर नहीं है। आपने बताया कि आपके एस०पी० ने ला एण्ड आर्डर मेनटेन करने के लिए आपको वहां डिप्यूट किया। जब आप वहां गये तो डिसकशन हाल के भीतर थे या बाहर थे?

Shri A.C. Jena: While reaching the place, I had not seen the M.P. I had not gone to the hall where the meeting took place.

श्री राम सुन्दर दास: जब वहां गये तो आप बाहर थे, भीतर नहीं गये।

Shri A.C. Jena: While I reached there and while I left, there was no meeting in the hall.

श्री राम सुन्दर दास: कब लौटे?

Shri A.C. Jena: I returned at about 12.40 P.M.

श्री राम सुन्दर दास: अभी आपने कहा कि कुछ महिलायें बाहर थीं, वे क्या कह रही थीं?

Shri A.C. Jena: They were simply shouting a slogans for fulfilment of their demands and for the postponement of the meeting by Executive Officer owing to election or something like that. I cannot say exactly. They were shouting.

Shri Ram Sunder Dass: Are you able to understand Hindi?

Shri A.C. Jena: I have not been able to exactly understand Hindi.

श्री राम सुन्दर दास: दूसरे लोग भी थे जो महिलाओं और एम०पी० के खिलाफ नारे लगा रहे थे?

Shri. A.C. Jena: No Other persons were there raising slogans against the ladies or against the hon. Member of Parliament.

Shri Ram Narain Berwa: From the FIR, it seems that you are the Inspector of Sector-3 Police Station. You were present at that time when some of the persons had ransacked the office of the NAC. Am I correct?

Shri A.C. Jena: On reaching the spot, I saw that it was already ransacked. I have not exactly seen who had exactly done it.

Shri Ram Narain Berwa: Some offence was committed by some persons there. What do you say?

Shri A.C. Jena: I saw it afterwards.

Shri Ram Narain Berwa: When it was correct that some persons committed an offence, what action did you take on reaching there?

Shri A.C. Jena: I was there to safeguard the property, to prevent further commissioning of any damage or doing something like that.

Shri Ram Narain Berwa: How did you prevent further offence from being committed?

Shri A.C. Jena: While I was reaching, the ladies were shouting mostly to discuss with the Executive Officer personally. I came to know from one of the Clerks with the Executive Officer saying that he informed he was coming. So, I told the ladies present in front of the office that the Executive Officer would be coming and he would discuss with them regarding their problems.

Shri Ram Narain Berwa: You knew that there were two parties. There was some dispute regarding the Presidentship of that Association. One party had committed the offence. The other party was also present there. Did you make any effort to arrest those persons who had committed that crime?

Shri A.C. Jena: I have not enquired anything. I did not arrest anybody.

Shri Ram Narain Berwa: Was nobody arrested there in your presence?

Shri A.C. Jena: During my presence, nobody was arrested.

Shri Anna Joshi: A little while ago you said that you were instructed by your Superintendent of Police to look after the law and order situation in that area. And, that is why you had gone there. You have also agreed that some amount of ransacking was done in that office. You have further

agreed that some people were shouting slogans. Did you remain a silent spectator there without doing anything? Did you make efforts to intervene to take proper action against the culprits and see that law and order was maintained?

Shri A.C. Jena: That particular place belongs to Sector-7 Polilce Station limit. I am Inspector in-charge of Sector 3 Police Station. At the time of the incident, The inspector in-charge of Sector 7 was absent to maintain law and order there.

Shri Anna Joshi: It does not matter whether it was your area or not. Your Superintendent of Police gave you straight orders asking you to go there and look after the law and order situation. Then, the question of your jurisdiction does not arise. When you senior officer already instructed you to go there to look after the law and order situation because the Inspector concerned was absent there, then it becomes your concern to look after all those things. If anything untoward happened there, then you should have taken charge to see that it was prevented. You should have made arrangements in such a way that negotiations went on peacefully.

Shri A.C. Jena: While I reached there, whatever damages had been done, they had already been done. The ladies were shouting standing in front of the door. They were not doing anything or committing any offence. So, the question of taking further action against them did not arise. I did not consider it necessary to take any action.

Shri Anna Joshi: There was a group of persons. The hon. Member has charged that they were hooligans. They were shouting slogans against the ladies, especially against the Member of Parliament. It was stated that they were using filthy language; they were trying to obstruct the negotiations that were going on in that hall. But you say that you saw only the ladies were shouting. You did not say any other person shouting against those ladies or their leader.

Shri A.C. Jena: While I reached the spot, I saw the ladies. I cannot say when and how the other group people shouted or caused any mistake. That I cannot say exactly because by then I left the office at about 12.40 p.m. At that time, there were no counter slogans.

Shri Anna Joshi: The point is that when you left the place at about 12.40 p.m., negotiations were going on and those people were trying to take away the Chief Executive Officer; they did not want him to negotiate with the ladies. Therefore, they were shouting slogans and using filthy language. When such a tense atmosphere was there, why did you leave the spot? You were ordered by your Suprerintendent of Police to look after the law and order situation there.

Shri A.C. Jena: I was instructed so. During that period of my stay, once I contacted the Inspector in-Charge of Sector 7 and then my Superintendent of Police. That was around 12.15 p.m. I apprised them about the

situation and told that the ladies were then sitting peacefully and there was no further law and order situation. Besides that, at 12.30 p.m., the officers and constables of Sector-7 Police Station arrived there. I apprised them about the situation and left the spot.

Shri Anna Joshi: On whose instruction did you leave the spot?

Shri A.C. Jena: On the instructions of my Superintedent of Police, I left the place. Before leaving the spot, I contacted my Superintendent of Police. He told me that on arrival of the officers and men of Sector 7 Police Station I could leave the spot. When I saw the officers and constables of Sector-7 arrived at 12.30 p.m. I left the place at 12.40. p.m.

Shri Anna Joshi: Did you talk to your superiors on wireless or on telephone from some booth?

Shri A.C. Jena: In the NAC Office premises, there is a telephone. I talked to both of them over phone—Sector-7 Police Station and my Superintendent of Police.

Shri Ram Narain Berwa: Was it not your duty to arrest those culprits who had committed the offence when you were in-charge of the place there?

Shri A.C. Jena: When I had not enquired anything, how could I arrest them? Without knowing the position, how could I arrest them?

Shri Ram Narain Berwa: You stayed there for one-and-a-half hours. Did you not enquire anything?

Shri A.C. Jena: I reached at 11.50 A.M. and left at 12.35 or 12.40 p.m. I stayed there for a maximum period of 40 minutes.

Shri Ram Narain Berwa: You remained there for 3-5 hours. Do you not think that you should have taken some action to arrest the culprits?

Shri A.C. Jena: After enquiring into the situation in detail as to who committed the crime, then only a police officer can arrest anyone. I have not enquired anything. I saw the gathering was peaceful. They were not committing further offence. That being so, I did not consider it necessary to arrest anybody.

Shri Ram Narain Berwa: To whom did you handover the charge?

Shri A.C. Jena: I made over the charge to the officer, Shri D.K. Dev of Sector VII Police Station when the ISI and a number of constables of that Police Station had arrived at the place.

Shri Anna Joshi: You should handover the charge to some responsible person who is equivalent to the post that you hold and not to others.

Shri A.C. Jena: Sub-Inspector, Shri D.K. Dev of Sector VII Police Station with his staff had arrived there. So I made over the charge to him and left the place.

Shri Bhagwan Shankar Rawat: I would like to know whether under the law you were empowered or not to take action including the arrest of guilty persons or you did not do it deliberately.

Shri A.C. Jena: I have not enquired at all.

Shri Bhagwan Shankar Rawat: Why did you not enquire?

Shri A.C. Jena: Simply, I was deputed to....

Shri Anna Joshi: You were sent there to be a silent spectator and as an observer and not to take any action!

Shri A.C. Jena: They were not doing anything practically when I reached there. So I did not consider arresting the culprits immediately.

Shri Bhagwan Shankar Rawat: Did your SP ask you not to take action and to simply observe? Did you do so on your own accord?

Shri A.C. Jena: I was directed specially to maintain law and order. It is in the jurisdiction of some other Police Station. Besides that, I observed that the mob was not creating any disturbances or not indulging in any violence. They were sitting peacefully. They were also shouting slogans regarding the implementation of their demands. When I have not enquired fully into the matter, I could not consider taking any action on-the-spot.

Shri Bhagwan Shankar Rawat: What was the quantum of loss due to ransacking?

Shri A.C. Jena: I saw some toppled tables and chairs, 2-3 windows or door glasses were broken, one water filter was lying on the floor, almirahs were upset but they were not broken and some files were just lying on the floor in a disorderly manner.

Shri Bhagwan Shankar Rawat: On whose directions you left the venue?

Shri A.C. Jena: Before leaving the spot, I contacted my SP over phone and he advised me that on arrival of officers and men of Sector VII Police Station, I can leave the place. Accordingly, on the arrival of officers and men of Sector VII Police Station, I left the place.

Shri Bhagwan Shankar Rawat: Did you give some instructions in the context of your so-called observation during the 45 minutes?

Shri A.C. Jena: I had just apprised the Sub-Inspector, Shri D.K. Dev to guard against any breach of peace and to safeguard the properties of the office and to wait till the arrival of the DSP or SP to the spot.

Shri Bhagwan Shankar Rawat: Did you again come back to the spot?

Shri A.C. Jena: No, I did not come back to the spot again.

Shri Bhagwan Shankar Rawat: Did you make any entries of your departure and arrival in the general diary of the relevant register?

Shri A.C. Jena: I cannot remember exactly.

Shri Bhagwan Shankar Rawat: Did you make any entries of your departure and arrival in the general diary of your Police Station and did you give the gist of the incident which you saw or observed?

Shri A.C. Jena: I cannot remember exactly.

Shri Bhagwan Shankar Rawat: Is it not part of your duty to make the entries in the general diary about your movements?

Shri A.C. Jena: I was sitting in a separate room and all of a sudden, I received the information to proceed to that place and to maintain law and order. I immediately left and I had forgotten to mention the same in my own handwriting in the general diary.

Shri Bhagwan Shankar Rawat: You might have forgotten to mention it in your own handwriting in the general diary. But general diary is never written in the officers' own handwriting. It is dictated. Did you inform the person who was maintaining the GD as to when you had gone and when you had come back?

Shri A.C. Jena: I cannot remember exactly.

Shri Bhagwan Shankar Rawat: Then whenever you leave the Police Station on any official work, do you ever get your visit recorded in the general diary or not?

Shri A.C. Jena: Whenever I go on official duty it is being written in the general diary.

Shri Bhagwan Shankar Rawat: But in this case you made an exception!

Shri A.C. Jena: I cannot remember exactly.

Shri Ram Narain Berwa: In the FIR of this case No. 106, the Executive Officer had clearly stated that at that moment the Inspector of Police, Sector III, SI and a few other police personnel were present and that he was asked by the Sector III Police Station Inspector to discuss with the ladies present. It means that when all this was going on, you were present there, but you are saying that you did not see anything.

Shri A.C. Jena: The ladies who were present there were demanding for a discussion with the Executive Officer. At about 12.30 P.M. the Executive Officer who was not present at the time of the occurrence in the office, reached the office. As the ladies were demanding for a discussion with the Executive Officer, I just told the Executive Officer that some of the ladies wanted to discuss with him. At that time, the Executive Officer agreed and three or four ladies simply went inside into a very small room and told him that unless the hon. M.P. arrives there, they would not discuss anything with the Executive Officer. Then the ladies came outside and sat peacefully. Thereafter, I left the office.

श्री संतोष कुमार गंगवार: श्री जेना, आप उस स्थान पर करीब 45 मिनट रहे। आपके सामने कोई ऐसी घटना हुई जो आपको आपत्तिजनक लगती हो, जिस पर यह कहा जाए कि वहां पर प्रदर्शनकारी थे, उन्होंने दुर्व्यवहार किया?

Shri A.C. Jena: During my presence there, no untoward incident took place. I stayed there for about 45 or 50 minutes in the Office.

श्री संतोष कुमार गंगवार: आप वापस लौटने के बाद सेक्टर 7 पुलिस स्टेशन पर गए थे?

Shri A.C. Jena: I had not visited Sector 7 Police Station.

श्री संतोष कुमार गंगवार: आपको ऐसी कोई जानकारी मिली कि सेक्टर 7 पुलिस स्टेशन में कुछ महिलाएं गिरफ्तार हुई हैं जिनमें कुछ सांसद भी शामिल हैं?

Shri A.C. Jena: I got the information that some ladies were arrested and not the hon. MP.

Shri Santosh Kumar Gangwar: Were there any senior officers present at the spot?

Shri A.C. Jena: At that time, there were no senior officers present in the NAC Office.

Shri Santosh Kumar Gangwar: Were you the first person to reach the spot?

Shri A.C. Jena: Yes, I arrived there first.

Shri Anna Joshi: At what time did you reach there?

Shri A.C. Jena: I got the information at about 11.45 A.M. and I reached there at about 11.50 A.M.

Shri Anna Joshi: But, your officer has said that he had instructed you at about 12.45 P.M. to proceed to that place. But you are now saying that you left the spot at about 12.40 P.M. We want to know as to when exactly you got the information; when exactly you reached the place and when exactly you left the place.

Shri A.C. Jena: I got the information at about 11.45 A.M. I reached there at about 11.50 A.M. and I left the place before 12.40 P.M.

Shri Anna Joshi: You are telling something different from what your senior officer has said. There is no corroboration between you and your senior officer even in such an important case also.

श्री भगवान शंकर रावत: श्री प्रधान ने जो बयान दिया है कि आप एक घंटे बाद पहुंचे, यह गलत है। क्या आप इस बात से सहमत हैं?

Shri A.C. Jena: I got the information at about 11.45 A.M. and I reached there at about 11.50 P.M.

श्री भगवान शंकर रावत: श्री प्रधान ने जो बताया है कि आप 12.45 के बाद घटनास्थल पर पहुंचे, जो टाइम आप बताते हैं उसके एक घंटे बाद पहुंचे, यह कहना उनका गलत है और आप सही कह रहे हैं?

Shri A.C. Jena: No, I reached at 11.50 A.M.

श्री भगवान शंकर रावत: मैं भी यही कह रहा हूं। इसलिए यह कहना गलत होगा कि आप वहां 12.45 के बाद पहुंचे?

Shri A.C. Jena: No, I reached at 11.50 A.M.

श्री भगवान शंकर रावत: मेरा कहना यह है कि आप यह बता दीजिए कि आप सही हैं या श्री प्रधान सही हैं?

Shri A.C. Jena: I reached at about 11.50 A.M.

Shri Bhagwan Shankar Rawat: Then, what Mr. Pradhan said is wrong.

Shri A.C. Jena: I am correct in my statement.

Shri Ram Narain Berwa: At what time did you receive the information of arrest of some ladies and from whom?

Shri A.C. Jena: In the evening hours, I just heard the news. I have not received the information in right earnest. I just heard that some ladies were arrested. I cannot exactly say the time.

Mr. Chairman (Shri Amal Datta): Did you hear that the MP was also arrested?

Shri A.C. Jena: I had not heard that the hon. MP was arrested.

Mr. Chairman: Did you hear that the hon. MP was in the Sector 7 Police Station?

Shri A.C. Jena: I heard that the hon. MP was in the Police Station.

Mr. Chairman: Did you not suspect that she has been detained?

Shri A.C. Jena: I heard that she was there in the Police Station for the release of the ladies who were arrested in connection with the NAC(ST) case. I cannot say whether it was for the release or for discussion.

Mr. Chairman: Okay, you may leave now.

(The witness then withdrew)

Mr. Chairman: Please call the next witness.

(2) Evidence of: Shri Kalucharan Chhotray, Junior Clerk, Notified Area Council (Steel Township) ROURKELA.

(English translation of original evidence in Oriya)

Mr. Chairman: Do you understand English?

Shri Kalucharan Chhotray: Yes, Sir.

Mr. Chairman: If you do not understand, then you may tell us. We shall provide an interpreter. You keep sitting.

Mr. Kalucharan Chhotray, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

I May inform you that under rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or make affirmation as you like.

Shri Kalucharan Chhotray: I, Kalucharan Chhotray, swear in the name of God that the evidence which I shall give in this case, shall be true, that I will conceal nothing, and that no part of my evidence shall be false.

Mr. Chairman: Mr. Chhotray, you worked as Junior Clerk in the office of the Notified Area Authority. Is that correct?

Shri Kalucharan Chhotray: Sir.

Mr. Chairman: On 2nd November, 1991, you were present in the office of the Authority?

Shri Kalucharan Chhotray: Yes, Sir.

Mr. Chairman: Did you see some incident of ransacking of the office?

Shri Kalucharan Chhotray: Yes, Sir.

Mr. Chairman: Tell this Committee exactly what you saw. To whom did you report the incident? You may speak in Oriya, if you like.

Shri Kalucharan Chhotray: Sir, I used to go to office every day. On 2nd November, I was working in the office when such incident took place. Between 10 and 1105, no incident took place like this.

Then the Executive Officer went to octroi gate. After some time, 40-50 men and women entered into the office. And they broke windows, doors and some glasses there. Several employees, who are working there, left the office. When left the office, they broke chairs and tables and they left that place.

Mr. Chairman: Who were these men and women? What slogans were they shouting?

Shri Kalucharan Chhotray: They were: Chander Bhadra, Sharada Naik, Prabhat Mahapatra, Rashmi Nanda and Laxmidhar Mallik. Among the ladies were: Chandra Bhadra and Basanti Sethi.

Mr. Chairman: Only seven?

Shri Kalucharan Chhotray: I saw in the front only. They were seven.

Mr. Chairman: What slogans were they shouting? What was their demand?

Shri Kalucharan Chhotray: They were raising slogans saying that they will break the NAC office. They will damage the office.

Mr. Chairman: They had no other demand?

Shri Kalucharan Chhotray: They had no other demand.

Mr. Chairman: Then, carry on. You describe the incident.

Shri Kalucharan Chhotray: When such incident took place, I told Mr. Prabhat Mahapatra: Why did you allow such things to happen here? This is national property. You are wasting the national property.

In reply, Shri Prabhat Mahapatra said: "You do whatever you like. I cannot do any other things now." Then, I had no other way I went out of the office in search of the Executive Officer to inform him. Then, I went to Pamposh Octroi Gate, about 8 kms. away from the NAC office. I met the Executive Officer there. I requested him to inform the SP about the matter. The Executive Officer telephoned to the Superintendent of Police from a private telephone. Then, he left for Sector 7 Police Station. Then in my own vehicle, I came back to the NAC office. At about 12.30, I reached the NAC office. At that time, the police inspector of Sector 3 was present there. After some time, the Executive Officer and the Police officer of Sector 7 Police Station also arrived at the NAC office. The women demonstrators had a banner with them. When they saw the Executive Officer, they stopped him from entering into the office. They did not allow him to proceed further. But the police official escorted the Executive Officer inside the office. But the Executive Officer could not sit in his office room because of slogan-shouting. An almirah was broken there. So, he went to Accountant's room which was nearby that room. Then the Executive Officer wanted to negotiate with the demonstrators to settle the issue. The workers, who were present there—particularly the ladies—did not want to discuss anything. They said that unless the hon. Member comes there, they will not negotiate with him about anything. The Executive Officer sat there from 12.30 PM to 13.45 PM. Then he wanted to go for lunch but the lady workers did not allow him to go for lunch. So, the Executive Officer came back to his seat. He was waiting for the hon. Member to come. The hon. Member arrived there between 2.25 to 2.30 PM. Then the lady Member and the Executive Officer and some other demonstrators went to the Council Hall to discuss the matter. At that point of time, they demanded that the President should be elected immediately. But the Executive Officer said that it was not permissible under the rules and it can be done only on the basis of the rules and he wanted some time for the elections to take place. He wanted at least seven days of notice. But the demonstrators did not agree to it. So, he asked for at least three days time. The demonstrators did not agree with any point and the discussion was going on for four hours. Then, in the evening, some people started shouting. When we heard the shouting, we went out of the Council Hall and the hon. Member also went out of the Council Hall. I

found that number of people from both sides were raising slogans and counter slogans. But we did not stay there and we came back to the office. When the shouting stopped, again we came out. Then, I found a police van waiting outside the gate. The hon. Member of Parliament also, on her own, went inside the police van alongwith other demonstrators. The Inspector of Sector 7 asked as to why they are sitting inside and said that only want to take the demonstrators. But the Member said that they are her workers and when they are going, she must also accompany them. This was the incident.

श्री राम सुन्दर दास: आपने बताया—आफिस में जब तोड़फोड़ की घटना शुरू हुई। तो आपने अपने आफिस से आठ किलोमीटर की दूरी पर अपने आफिसर को सूचना दी। मैं यह पूछना चाहता हूं, क्या आठ किलोमीटर के अन्दर कोई पुलिस स्टेशन था या नहीं?

श्री कालू चरण छोत्रये: हां।

श्री राम सुन्दर दास: जब यह घटना घट रही थी। तो आपने सीधे स्टेशन में इसकी सूचना क्यों नहीं दी?

Shri Kalucharan Chhotray: In fact, I wanted to inform my officer. I wanted that my officer should go to the police station and inform the matter.

श्री राम सुन्दर दास: इसका मतलब आपने उनको तोड़फोड़ करने का समय दिया। पुलिस स्टेशन में सूचना तो आप सीधे भी दे सकते थे, इसमें कोई कानूनी बाधा नहीं थी, फिर क्यों आपने आफिसर को सूचना दी और पुलिस को नहीं दी?

Shri Kalucharan Chhotray: I thought that the police officer may not listen to me. Therefore, I wanted my officer to inform first.

श्री राम सुन्दर दास: आपने कहा कि शाम को बाहर पक्ष और विपक्ष दोनों में नारे लग रहे थे। उसके पहले आप वहां थे, तो क्या शान्तिपूर्वक तरीके से नेगोसिएशन हो रहा था?

Shri Kalucharan Chhotray: Yes. It was peaceful inside the office.

श्री राम सुन्दर दास: आफिस के भीतर शान्तिपूर्वक तरीके से बात हो रही थी। बाहर हल्ला हो रहा था। आप क्या बता सकते हैं, जब माननीय संसद सदस्या और दूसरी महिलायें बाहर निकलीं तो उनको गिरफ्तार किया गया?

Shri Kalucharan Chhotray: They were not arrested. When they saw the police truck, they went inside the truck by themselves.

श्री राम सुन्दर दास: आप यह बताइए, जब एम०पी० और उनके साथ कुछ लोग आए, तो क्या उनके पास कोई हथियार या लाठी जैसी कोई चीज़ मिली?

Shri Kalucharan Chhotray: I have not seen any such thing. But the people were saying that they had some weapons with them.

श्री राम सुन्दर दास: आपने यह भी नहीं देखा कि भीतर जो लोग थे, वहां पर कोई हल्ला या आपस में विवाद हुआ?

Shri Kalucharan Chhotray: There was only slogan and counter-slogan shouting among the parties.

Shri Ram Sundar Das: Was it outside the office and not inside the office?

Shri Kalu charan Chhotray: It was only outside the office there was slogan and counter-slogan shouting.

श्री राम सुन्दर दास: मैं यह पूछ रहा था, भीतर किसी तरीके की कोई अशांन्ति नहीं थी। शान्तिपूर्वक तरीके से नेगोसिएशन कर रहे थे। आपने यह भी कहा कि आपको मालूम नहीं है कि जब एम०पी० आई तो उनके पास कोई हथियार या लाठी नहीं मिली। क्या आप यह बता सकते हैं, किस चार्ज पर उनको और उनके साथियों को गिरफ्तार किया गया?

Shri Kalucharan Chhotray: There were no weapons or lathis in the MP's vehicle and they were not arrested by the Police. The demonstrators themselves went inside the police van voluntarily.

Shri Anna Joshi: Who told you these?

Shri Kalucharan Chhotray: I have seen with my own eyes.

श्री राम सुन्दर दास: वे लोग किस के हुकुम से गाड़ी पर चढ़ रहे थे?

Shri Kalucharan Chhotray: There was a police vehicle. Some of the persons who were raising slogans went inside the police van by themselves out of fear.

श्री राम सुन्दर दास: आप उस समय कहां थे?

Shri Kalucharan Chhotray: I was in front of the office gate at that time.

श्री राम सुन्दर दास: जब बाहर शांतिपूर्वक नारे लगाए जा रहे थे उस समय आप भी वहां मौजूद थे, तब आपने देखा कि उन लोगों को अरेस्ट नहीं किया गया। आपको कैसे मालूम हुआ कि उन लोगों को अरेस्ट नहीं किया गया, यह आपको किस ने कहा?

Shri Kalucharan Chhotray: The Inspector of Sector 7 Police Station said that they were not arresting anybody.

श्री राम सुन्दर दास: क्या पुलिस के सिखलाने पर यह तोड़-फोड़ का गलत केस किया, यह बात ठीक है?

Shri Kalucharan Chhotray: No Sir. It was true that they had broken the chairs and tables in the office.

श्री राम सुन्दर दास: हमारा कहना यह है कि 10 घंटे के बाद आप ही के कहने पर, जो आपका आफिसर है उसने केस किया और 10 घंटे के बाद इस केस को करने के लिए आपने कहा?

Shri Kalucharan Chhotray: I have never asked my officer to lodge any false or wrong case.

श्री राम सुन्दर दास: जब शांतिपूर्वक नेगोसिएशन था, कोई झगड़ा नहीं था और शांतिपूर्वक नेगोसिएशन के बाद माननीया सदस्या बाहर निकल रही थीं, जब आपके आफिसर वहां थे तो हर जगह पर आप ही कैसे मौजूद दिखाई दे रहे हैं?

Shri Kalucharan Chhotray: The other staff of the office were also present along with me and our officer.

श्री राम सुन्दर दास: नेगोसिएशन में क्या आपको आफिसर ने बाहर बुलाया?

Shri Kalucharan Chhotray: The officer had not called me. I was present along with the other staff.

श्री राम सुन्दर दास: जो लोग बाहर नारे लगा रहे थे, क्या आप भी उनके साथ नारे लगा रहे थे?

Shri Kalucharan Chhotray: I and my friends were not raising any slogans. The outsiders were raising slogans.

श्री राम सुन्दर दास: जो लोग बाहर नारे लगा रहे थे वे कौन लोग थे?

Shri Kalucharan Chhotray: It was evening and I could not recognise anybody.

श्री भगवान शंकर रावत: आपने जो नाम बताए हैं, क्या वे नाम आपने अपने अधिकारी को बता दिए थे?

Shri Kalucharan Chhotray: Yes Sir.

श्री भगवान शंकर रावत: आपके सामने ही अधिकारी ने एस० पी० को फोन पर इस घटना के बारे में इनफोर्म किया था?

Shri Kalucharan Chhotray: Yes Sir.

श्री भगवान शंकर रावत: जो आपकी जानकारी में थे वे सारे के सारे तथ्य आपने एस०पी० को बता दिए थे?

Shri Kalucharan Chhotray: Yes Sir. The Officer informed the SP.

श्री भगवान शंकर रावत: आपने जो इनफोरमेशन दी थी वह ओरल में थी या राइटिंग में दी थी?

Shri Kalucharan Chhotray: It was oral information.

श्री राम नारायण डैरवा: आप बताएंगे कि जो एफ० आई० आर० दिया था वह किस ने टाइप किया था?

Shri Kalucharan Chhotray: The typist has typed it.

श्री राम नारायण डैरवा: वहां दो पार्टियां थीं उनमें से किस को गिरफ्तार किया गया था और किस को नहीं किया गया?

Shri Kalucharan Chhotray: Nobody was arrested.

श्री राम नारायण डैरवा: पुलिस की गाड़ी में कौन लोग थे?

Shri Kalucharan Chhotray: Those who were inside the office, got into the police vehicle.

श्री राम नारायण डैरवा: पुलिस की कितनी गाड़ी वहां पर थीं?

Shri Kalucharan Chhotray: There were one police van and two jeeps.

श्री राम नारायण डैरवा: वहां पर जो लेडीज़ बैठी थीं उनको क्या कोई खतरा था? वहां पर इन्चार्ज कौन था?

Shri Kalucharan Chhotray: It was evening and it was dark. I cannot say whether there was any danger. The DSP, Shri Biswal was in charge there.

Shri Anna Joshi: Were you on duty on that day? What are your duty hours and what are your functions?

Shri Kalucharan Chhotray: I was on duty on that day. My duty hours are from 10.00 to 5.00. I perform general office work. I am a clerk.

Shri Anna Joshi: Where were you when the incident took place in the office?

Shri Kalucharan Chhotray: I was near the gate when the incident took place. My seat is just near the gate.

श्री अन्ना जोशी: जब रैनसेकिंग हुआ, तो आपने किसी को मदद के लिए नहीं बुलाया?

Shri Kalucharan Chhotray: There was a danger to our life so, we left the place immediately.

Shri Anna Joshi: Danger from ladies?

Shri Kalucharan Chhotray: No, there were gents also.

Shri Anna Joshi: Did they have any weapons with them?

Shri Kalucharan Chhotray: No, Sir.

श्री अन्ना जोशी: आप बता रहे हैं कि जो लोग पुलिस वैन में गए, वे अपने आप जाकर बैठे, यह आपको कैसे मालूम हुआ?

Shri Kalucharan Chhotray: I saw the police inspector asking the demonstrators as to why they are coming inside the police van and that is how I came to know that they sat in the van on their own.

Shri Anna Joshi: But that does not mean that you should conclude that they were not arrested because the M.P. had come in her own car.

Shri Kalucharan Chhotray: I know that she came in her own car.

श्री अन्ना जोशी: अगर वे अपनी कार में वहां आई थीं तो फिर अपनी कार में न बैठ कर पुलिस वैन में जाकर क्यों बैठीं, इस बारे में आपका क्या तर्क है?

Shri Kalucharan Chhotray: Sir, since the gathering was more and all of them could not be accommodated in the car so, they went in the police van.

Shri Anna Joshi: Who told you this?

Shri Kalucharan Chhotray: I saw with my own eyes.

Shri Anna Joshi: It is a fact that they went in the police van and that is why we are saying that because they were arrested, they had gone in the police van.

Shri Kalucharan Chhotray: Sir, I did not know that they were arrested. I heard the police inspector saying, "Why are you sitting inside the van".

Shri Anna Joshi: When did you come to know that they were arrested?

Shri Kalucharan Chhotray: Next morning I came to know that they were arrested.

Shri Anna Joshi: That means that the question as to why they were sitting in the van is irrelevant now.

Shri Kalucharan Chhotray: At that time I did not know anything and I came to know that they are arrested only the next day.

Shri Anna Joshi: You saw them sitting in the police van and next day you came to know that they were arrested.

Shri Kalucharan Chhotray: I saw them sitting inside the police van but I did not know that they are arrested.

Shri Anna Joshi: When this incident of ladies shouting slogans using filthy language and sitting in the police van took place, at what distance you were observing this scene?

Shri Kalucharan Chhotray: About 20 to 30 feet away from them.

Shri Anna Joshi: What slogans they were raising?

Shri Kalucharan Chhotray: 'Miss Frida Topno *hai-hai.*'

Shri Anna Joshi: When they were shouting in such a loud voice how could you hear the police officer saying to the ladies as why they are sitting in the police van?

Shri Kalucharan Chhotray: When they went inside the van then there was no shouting and at that time I could listen.

Shri Anna Joshi: Were they raising slogans at that time?

Shri Kalucharan Chhotray: Members of other party were raising slogans at that time.

Shri Anna Joshi: So, the situation is that members of one party were raising slogans and these ladies were being taken to the police van and at that time the police officer said something to these ladies. You were standing at a far off place. So, how could you listen what the police officer said to those ladies?

Shri Kalucharan Chhotray: The police inspector was talking to them with folded hands and from that I could guess that he is requesting them.

Shri Anna Joshi: Police is there to maintain law and order. If these ladies were sitting in the van against the will of the police officer, why did he not ask his men to stop them from entering into the van?

Shri Kalucharan Chhotray: They forcibly went inside the vehicle and told the driver to take them to the police station.

Shri Anna Joshi: Was there any lady police officer on duty?

Shri Kalucharan Chhotray: No.

Shri Anna Joshi: Were there police officers?

Shri Kalucharan Chhotray: Yes.

Shri Anna Joshi: Did they not ask them not to enter the police van?

Shri Kalucharan Chhotray: Since an hon. Member was there, out of fear, they did not prevent them from entering the police van.

Shri Anna Joshi: Who told you?

Shri Kalucharan Chhotray: I imagine that.

Mr. Chairman: Did you see them entering into the police van or did you see them when they were sitting inside the police van?

Shri Kalucharan Chhotray: I saw them after they were sitting inside the police van.

Mr. Chairman: Who else was there?

Shri Kalucharan Chhotray: All the staff was present along with me.

Mr. Chairman: How many were they?

Shri Kalucharan Chhotray: They were about 50 people.

Mr. Chairman: All of you came out at the same time.

Shri Kalucharan Chhotray: Yes.

Mr. Chairman: Why did you come out?

Shri Kalucharan Chhotray: When they started breaking the furniture, we had to leave that room.

Mr. Chairman: Just before the people were seen inside the van, was there any furniture broken in that room?

Shri Kalucharan Chhotray: First they broke the furniture. Then they went inside the van. The incident took place at about 11.15 AM. Then went inside the van in the evening.

Mr. Chairman: Why did you come out at the same time? Was it to see that those people were already inside the van?

Shri Kalucharan Chhotray: When they were shouting counter slogans, we were inside the office. In the evening they went inside the van and we came out of the office.

Mr. Chairman: None of the staff saw actually how and under what situation those ladies boarded the van?

Shri Kalucharan Chhotray: We had seen that the ladies voluntarily went inside the van.

Mr. Chairman: Did you see?

Shri Kalucharan Chhotray: Yes.

Mr. Chairman: When?

Shri Kalucharan Chhotray: I had seen it. The other staff had also seen it.

Mr. Chairman: What do you mean by voluntarily going inside the van? How did they proceed inside the van?

Shri Kalucharan Chhotray: When they were shouting counter slogans, they voluntarily went inside the van.

Mr. Chairman: What is the relationship between shouting counter slogans and voluntarily going inside the van?

Shri Kalucharan Chhotray: The demonstrators who were inside the room, they were keeping quiet. But some of them were still shouting slogans inside the room. Some other workers were also shouting slogans against them. Then the persons who were inside the office along with that hon. Member, they voluntarily went inside the van. It was done in the evening.

Mr. Chairman: What made them to go into the van voluntarily?

Shri Kalucharan Chhotray: There was a vehicle. When they went inside the van, I saw them.

श्री राम सुन्दर दास: आप उस दिन दफ्तर में सुबह कितने बजे तक रहे?

Shri Kalucharan Chhotray: I was in the office from 10 p.m. to 11 p.m. I left the place at about 11.30 p.m.

श्री राम सुन्दर दास: शाम को कितने बजे तक रहे?

Shri Kalucharan Chhotray: It was 11.30 P.M.

श्री राम नारायण डैरवा: यह जो एफ० आई० आर० टाइप करके भिजवाई, क्या यह टाइपिस्ट ने की है, क्या वह मौजूद था?

Shri Kalucharan Chhotray: It was typed.

श्री राम नारायण डैरवा: आपको कैसे पता कि उसने की है या और किसी ने की है?

Shri Kalucharan Chhotray: I had heard my officer saying that the typist who remained there typed the FIR.

श्री राम नारायण डैरवा: इनको गिरफ्तार किया गया है। इसमें लिखा है कि:

> "In the meantime police force arrived and they rescued the aforesaid antisocials who were arrested and displaced in the police vehicle."

क्या यह गलत है?

Shri Kalucharan Chhotray: When the Officer had ordered for that, it may be correct. But I know, they were not arrested.

श्री राम नारायण डैरवा: आपके अफसर ने तो लिखा है कि 6.30 बजे तक उनका घेराव किया गया। उनको "बॉक्स ऑफ नेचर" के लिए भी नहीं जाने दिया गया। उसके बाद पुलिस आई और मुझे बचाया और इसके साथ-साथ उनको गिरफ्तार कर लिया। यह इसमें लिखा हुआ है।

Shri Kalucharan Chhotray: My officer was not allowed to attend to the call of nature. Under such circumstances, they were arrested.

श्री संतोष कुमार गंगवार: आपसे एक बात पूछनी है। आपने शुरू में बताया कि सुबह 10 बजे से 11.05 बजे तक कोई घटना नहीं हुई और 11.30 बजे आप अपने अफसर को बुलाने चले गए। यह तोड़-फोड़ की घटना, जो प्रदर्शनकारी आए थे, किस समय की गई?

Shri Kalucharan Chhotray: It may be between 11.10 hours and 11.15 hours.

Shri Santosh Kumar Gangwar: So, it was done in five minutes time.

Mr. Chairman:

(The witness then withdrew)

The meeting then adjourned.

Thursday, 13th February, 1992

PRESENT

Shri Shiv Charan Mathur —*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Amal Datta
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Shri Bhagwan Shankar Rawat

SECRETARIAT

Shri G.L. Batra —*Additional Secretary*
Shri T. S. Ahluwalia —*Joint Secretary*
Shri S. C. Rastogi —*Under Secretary*

WITNESS

Dr. Madhav Godbole, Secretary,
Ministry of Home Affairs,
Government of India.

(The Committee met at 15.15 hours.)

Evidence of Dr. Madhav Godbole, Secretary, Ministry of Home Affairs, Government of India

Mr. Chairman: Dr. Madhav Godbole, you have been asked to appear before this Committee to give your evidence in connection with the question of privilege regarding alleged arrest of Kumari Frida Topno, MP, by Orissa Police at Rourkela on 2 November, 1991 and non-intimation thereof to the Speaker, Lok Sabha.

I may inform you that under rule 275 of the Rules of Procedure and Conduct of Business in Lok Sabha, the evidence that you may give before the Committee is to be treated by you as confidential till the Report of the Committee and its proceedings are presented to the Lok Sabha. Any premature disclosure or publication of the proceedings of the Committee would constitute a breach of privilege and contempt of the House. The evidence which you will give before the Committee may be reported to the House.

Now you may please take oath or make affirmation as you like.

Dr. Madhav Godbole: I, Madhav Godbole, swear in the name of God that the evidence that I shall give in this case shall be true that I will conceal nothing and that no part of my evidence shall be false.

Mr. Chairman: Do you know about this case of keeping Kum. Frida Topno, Member of Parliament, in the Police Station on 2nd November, 1991? This information was sent to you on 8.11.1991 by the Lok Sabha Secretariat on the information received by the Secretariat from the Member of Parliament. Do you remember this date?

Dr. Madhav Godbole: Yes.

Mr. Chairman: It was received by the Ministry of Home Affairs on 8th November, 1991. Who received it?

Dr. Madhav Godbole: A copy of this was addressed to me. This was dated 8th November, 1991 which I had seen on 10th November, 1991.

Mr. Chairman: What action did you take on that?

Dr. Madhav Godbole: After I saw it, I had marked it to the Additional Secretary who received it on 11th November.

Then it went to the Joint Secretary on 14th November.

Then to the Director in the Ministry on the 15th.

After Saturday and Sunday, it went to the Desk Officer concerned on the 18th November after which a wireless message was issued to the Government of Orissa on 19th November.

After that, a number of wireless messages and reminders were sent to the State Government from time to time. For example, another wireless message was sent on 25th November. Another was sent on 27th November.

A D.O. letter was sent on 2nd December. Another reminder dated 29-11-1991 was also received from the Lok Sabha Secretariat.

Another wireless message was sent on 3rd December.

Our Joint Secretary concerned had spoken to the Additional Secretary of the Home Department of Orissa on 6th December, 1991.

So, after all these reminders and wireless messages, the reply was received from the State Government on the 6th December. It was then put up to the Minister for perusal and approval before sending a reply to the Lok Sabha Secretariat.

Interim reply was sent to the Lok Sabha Secretariat on 13th December.

Finally, a reply after obtaining approval of the Minister was conveyed to the Lok Sabha Secretariat on 17th December.

Mr. Chairman: You have narrated in your reply all these dates. You simply treated them as routine matter. Originally, the letter was received in the Ministry of Home Affairs on 8th November. It was put up on 10th November. You marked to Additional Secretary and to the Joint Secretary. Then a message was sent to the Orissa Government. Did you not think that it was a message from Lok Sabha Secretariat? It was necessary for you to directly intimate the Orissa Government. Now there are advanced ways of communicating messages to the Government. You could have sent it to the Chief Secretary of the Orissa Government by wireless message.

It was simply a message to be communicated through you to the Orissa Government. Did you apply your mind on what action has to be taken on that? Are you to simply forward it to the Government of Orissa? You took much time. It passed through many stages and the ultimate result is the communication you sent back to Lok Sabha Secretariat only contained the message received from the Orissa Government. It means for communicating the message which was received from the Orissa Government, you take many days. The Ministry of Home Affairs did not apply their mind to it as to what were the contents of the message which was received from the Lok Sabha Secretariat, what was required to be done in regard to the case of a Member of Parliament. The Lok Sabha message was clear. The message was sent to you by Lok Sabha Secretariat clearly mentioning that Kum. Frida Topno, Member of Parliament, has made a complaint to the Lok Sabha Secretariat. While dealing with all this, why was so much time taken simply to forward that message to the Orissa Government, receiving it back and sending it back to the Lok Sabha Secretariat.

Dr. Madhav Godbole: First, the message was sent down to the Office. There was certainly some delay. That is visible. Five or six days time was lost. After that it was followed up practically on a day to day basis.

Mr. Chairman: Were you required to do so much? Why did you allow it to pass through so many stages? It was only a message to be communicated to the Orissa Government and the message received back from them. Actually the Ministry of Home Affairs in this particular case was working as a Post Office only.

Dr. Madhav Godbole: It was working as a Post Office. But since a matter of a Member of Parliament was involved, a final reply has to be put up to the Minister.

Mr. Chairman: You sent a message to the Orissa Government and the message received from them you sent to the Lok Sabha Secretariat. What was there to be added by the Home Ministry?

Dr. Madhav Godbole: There was nothing to be added. But since this is a sensitive matter, it can be raised on the floor of the House. In all these matters, the Minister is kept informed before a reply is sent.

Mr. Chairman: It should have been seen by you on 8th. You saw it on the 10th. You could have put up to the Minister.

Dr. Madhav Godbole: It was not put up to the Minister.

Mr. Chairman: On 10th, when you received this letter, was it not incumbent on you to show it to the Minister?

Dr. Madhav Godbole: Not at that stage. The procedure is that we forward a message of this kind to the State Government and get a report. After the report is received, before we forward it to the Lok Sabha Secretariat, because a Member of Parliament is involved, those are put up to the Minister for perusal.

Mr. Chairman: It is a sensitive matter. A Member of Parliament is involved. So, it could have been put up on that very same day. You took so many days in simply forwarding the letter to the Orissa Government and waiting for the letter that is sent. You say that this is sensitive and a Member of Parliament is involved in it. But you have dealt with this case in this fashion.

Dr. Madhav Godbole: For the first time, there has been a delay of a few days.

Mr. Chairman: Later on also, we have got the information that Orissa Government sent the information to you on 27th November. The first message was sent on 22nd November.

Dr. Madhav Godbole: That message was not received in the Ministry. That is why, we were continuing to remind them. If that message was received, we would not have sent them all these messages.

Mr. Chairman: This is a letter No. 7512/C dated 27-11-1991 from Shri B. B. Patnaik, Principal Secretary to the Government to Shri Ashok Bhatia, Government of India, New Delhi. They have sent the diaries which were demanded by the Lok Sabha on 27th December.

Dr. Madhav Godbole: The other documents were received from the State Government on 30th December, 1991. But the message for which Orissa Government sent a telex message to Home Ministry on 27th November, was not received.

Mr. Chairman: Ministry message No. 1/16031/5391/15/12 dated 19th November, 1991 regarding information to the Speaker, Lok Sabha about arrest of Kumari Frida Topno, M.P. on 2nd November, 1991 by Orissa Police. The M.P. was not arrested. There was no case pertaining to her on the same date. This is the information on 27th November, 1991 which was sent to you.

Dr. Madhav Godbole: This is a message on 27th November, 1991, in which the State Government says that they had conveyed that the M.P. was not arrested. This message was not received in the Home Ministry. Therefore, in fact, we were continuing to send them these reminders

including the telephonic reminders and letters to get the information. When this was finally received, it was put up.

Mr. Chairman: We have got a copy of the telex message. Did you make enquiries?

Dr. Madhav Godbole: The first message of 27th November, was not received. We had received a copy of that with the letter, later in December. But it was not received. That is why, we were continuing these reminders.

Mr. Chairman: It is not like Post Office that on the way it can wait somewhere.

Dr. Madhav Godbole: If it was received, there is no reason why we would not have reacted.

Mr. Chairman: It is a question of mechanism. We have not called you with a view to find fault with anybody. It is a question of a system, of a mechanism which should be introduced. Do you think that a Member of Parliament can be humiliated? It was reported repeatedly and the Speaker on 12th December, 1991 agitatedly mentioned in the House that many reminders were sent to the Home Ministry and even then the Home Ministry did not react. The Orissa Government letter dated 12th December, 1991 could be reacted.

Dr. Madhav Godbole: Unfortunately, I grant that there has been delay on both sides. I spoke to the Chief Secretary, Orissa later when this matter was being considered by the Committee. He also accepted that there was some delay on their part.

Mr. Chairman: Do you have any mechanism of this sort?

How do you deal with such cases in your Ministry when the Lok Sabha Secretariat has to communicate through you to the State Government?

Dr. Madhav Godbole: There is a mechanism for it. For example, as you will see, later on when the Lok Sabha Secretariat asked for production of documents we had promptly obtained it and sent it by the stipulated date, that is, 30th of December. There we have not caused any delay. After the Committee went through the first report of the Orissa Government, we were told by the Lok Sabha Secretariat about the direction of the Committee to produce the documents by 30th of December and asking for the officers of the Orissa Government to be present by 8th of January. This communication from the Lok Sabha Secretariat was dated 20th of December and we fulfilled these obligations—the documents from the Orissa Government were sent to the Committee on the 30th of December as asked for and officers were asked to remain present before the Committee. I would urge upon you to take into account that after this delay of five or six days, four wireless messages, one D.O. letter and personal reminders were send. So, it is not our intention to delay the proceedings.

Shri Amal Datta: By whom was the reminder sent over telephone and through telex?

Dr. Madhav Godbole: It was done by the Joint Secretary concerned.

Mr. Chairman: Was that done on the 12th of December when the Speaker made a mention of it?

Dr. Madhav Godbole: That was done on the 6th of December when our Joint Secretary spoke to the Additional Secretary (Home). Before that, wireless messages of 25th November and 27th November and a D.O. letter of 2nd December and a formal reminder were sent.

Shri Amal Datta: Can the wireless message be sent from Delhi to Orissa?

Dr. Madhav Godbole: It is sent through the police network. In case of urgency, we always take recourse to it.

Mr. Chairman: Had you talked to the Chief Secretary over the hot line, I think, the matter would not have come to this stage. Simply because you marked it to down below, there was delay. Don't you think this is a very serious matter?

Dr. Madhav Godbole: We will try to reduce these delays.

Mr. Chairman: What mechanism do you have?

Dr. Madhav Godbole: In these matters the Joint Secretary incharge of the Divisions is supposed to deal with such cases.

Mr. Chairman: Lok Sabha Secretariat is the highest body representing the people of the country, and this is the way the communication from the Lok Sabha Secretariat is dealt with in the Ministry. What role do you play in this case except receiving a message from them and passing it on to us?

Dr. Madhav Godbole: In this kind of thing, we are not expected to contribute anything because it is a State subject.

Shri Amal Datta: You are not maintaining the law and order at the State level. You are seeking and obtaining information required by the Lok Sabha. That is not a matter of State subject. I think you are trying to confuse us. In this case, from the beginning, you are not concentrating on the initial factum of delay rather on what happened later on to confuse the issue. Is this the mechanism you have? Why is the mechanism so dilatory and what have you done to speed it up?

Dr. Madhav Godbole: In future we will take care that these are dealt with promptly.

Mr. Chairman: If you have no *locus standi* in the matter why is the Ministry of Home Affairs required to receive a message? Why cannot it be done directly by the Lok Sabha Secretariat?

Dr. Madhav Godbole: I agree with you.

Mr. Chairman: Had it been sent direct by the Lok Sabha Secretariat to the Orissa Government, it would not have happened.

Dr. Madhav Godbole: We will try to avoid these delays in future and we will put up to the Minister after sending it to the Lok Sabha Secretariat.

Mr. Chairman: In this case, only the matter was to be referred to the Orissa Government. It was not a matter of policy which was taken by you or by the Minister. It was simply a matter that you could have done

Dr. Madhav Godbole: We followed the normal practice. But I take the point and we will do it in future.

Mr. Chairman: Had it been sent directly by the Lok Sabha Secretariat the problem would not have arisen and it would have been solved. Without going through the merits of the case, it was first delayed by the Ministry of Home Affairs and then by the Orissa Government complicated the case.

Dr. Madhav Godbole: We will avoid this in future.

Mr. Chairman: Do we write directly to the Orissa Government?

Dr. Madhav Godbole: That can be one way of doing it. But this subject of Centre States comes under the purview of the Home Ministry.

Mr. Chairman: How does it come in the picture? A Member of Parliament has been manhandled. How is it a question of Centre-State relations?

Dr. Madhav Godbole: Whenever a matter of this kind is raised in this House, it is the Home Minister who gives the reply on behalf of the State Government. Therefore, historically the position has been that these references are sent to the State Governments through the Ministry of Home Affairs and information is compiled. That is why that kind of system has come to be adopted over a period of time.

Mr. Chairman: Suppose on the very first day when the hon. Member raised this question in the House, the Speaker would have asked the Minister to give a reply next day, what would be your role?

Dr. Madhav Godbole: In such a situation we try to collect the information.

Mr. Chairman: Suppose the Minister is asked by the Speaker to make a statement the next day, then also will you immediately contact the Chief Secretary and obtain information?

Why that situation was not appreciated and contemplated in this particular case? If it had been done earlier, the Speaker would have made a different statement on the Floor of the House.

Dr. Madhav Godbole: We will certainly try to avoid this in future.

Mr. Chairman: What would you like to do in future in such cases?

Dr. Madhav Godbole: Specific responsibility can be placed on a particular officer who will be asked to follow up these cases with the State Governments.

Mr. Chairman: Would you mind sending a definite mechanism with the time-frame within which such replies should be sent to the Lok Sabha Secretariat?

Dr. Madhav Godbole: We will do it.

Mr. Chairman: The Government of Orissa says that the Member of Parliament was kept from 6 p.m. in the evening to 4 a.m. the next day morning, in the Police Station and they also say that she was not detained or arrested. How would you consider this situation? Apart from the State Government's version, what would you advise?

Dr. Madhav Godbole: As the Committee advises, we will do it.

Mr. Chairman: In this particular case, it was just made out. If you look into the case, you will find that the Executive Officer of the Notified Area Council while filing the FIR in the Police Station has made out the case like this, that the Member of Parliament had lethal weapons in her car, etc. That means, he was trying to make out a case against her. Even then, they say that she was not arrested or detained.

Dr. Madhav Godbole: We can certainly issue instructions, Sir. There is no harm in it.

Mr. Chairman: What would you say about sending instructions to them?

Dr. Madhav Godbole: In the past, these instructions to the State Governments on matters of privilege, etc. were issued, after the Committee's report was finalised and according to the recommendations of the Committee. We used to quote the recommendations of the Committee and accordingly issue instructions. Therefore, this may be borne in mind while dealing with any Member of Parliament. There can be two ways of dealing with it. We can wait for the finalisation of the report of the Committee; we can quote this and write to the State Governments. If the Committee wishes to do it earlier, we can do that way also.

Mr. Chairman: In cases where only the information is to be gathered from the State Governments through you, would you advise or would you consider it proper for the Lok Sabha Secretariat, to write to you directly and then send the copy to them so that they do it earlier?

Dr. Madhav Godbole: Yes, that could certainly be done.

I am referring to the other part of the recommendation, namely, issuing instructions about intimating the Lok Sabha Secretariat. I would say that if the Committee wishes us to write earlier, we can attempt, draft it and show it to the Committee. If you like us to do it afterwards, after the Committee's report is finalised, then also we can do that.

Mr. Chairman: Why should we wait for the Committee's recommendation for this? If you send a draft, let it be approved here and then write to the State Governments.

Shri Anna Joshi: The hon. Member was detained in the Police Station for several hours together. Filthy language was used against her. But, now everybody is denying rightfrom the State Government to the local police officers. What would you say about this?

Dr. Madhav Godbole: We have no independent mechanism for verifying these details.

Mr. Chairman: Mr. Godbole, the Member is asking your reaction for this.

Dr. Madhav Godbole: My only reaction is that the lady Member need not be even asked to wait there for such a long time. If there was any dispute with the other party, as it appears to be, then that was only with those ten to twelve people against whom specific complaints like damaging the furniture etc. are there. Others need not have been detained.

Mr. Chairman: She tried to contact the collector. But he did not respond. He could have responded well or he could have sent some senior officers also. But there was no message received from the collector.

Dr. Madhav Godbole: This is an avoidable kind of a situation.

Shri Amal Datta: The entire protocol which is followed by the State Governments regarding how to behave and contact Members, who are people's representatives like MPs and MLAs and other categories of people's representatives, comes in for a review in a case like this. It is not only in this case but in many other cases also the district authorities behave as if only they own the place and as if MPs are nobody. This is absolutely antithotical to democracy. They just forget that he or she, who is the representative of the people has come to him to express the grievances of his or her people. The practice in this regard is handed over to us during the British rule in our country. So, I would say that a total review of the system of prototcol is a must. Many MPs have suffered at the hands of the district administration and certainly, at the Secretaries at the State level.

सभापति महोदय: सवाल यह है कि दस लाख की आबादी से चुने हुए प्रतिनिधियों को क्या ट्रीटमेंट दे रहे हैं जबकि ब्रिटिश पार्लियामेंट में अच्छी तरह से ट्रीट करते हैं।

Letter were replied soon and were given proper behaviour. If you follow them also it will be good. But I think, Mr. Datta they are not following them also.

Shri Amal Datta: The State administrative officers and their colleague think that they own the country and as if we are trying to meddle in their affairs.

Mr. Chairman: Will you make a review yourself or should we go into the matter?

Dr. Madhav Godbole: We will review it through the Department of Personnel and through our Ministry. Number of circulars have been issued from time to time and State Governments have also issued circulars.

Mr. Chairman: I hope you hold the meeting of Chief Scretaries at least twice or thrice. Why cannot you discuss this matter in that meeting?

Dr. Madhav Godbole: We will put it up in the agenda for the next meeting.

Shri Amal Datta: What would have been reaction of the DM of that place if it was stated that the Secretary has been sitting in the thana and if the Secretary would have phoned him? In that case, the DM would have simply rushed to the place. I do not know what is the order of preference in this regard. So far, what kind of a treatment was an MP or an MLA been getting from the district administration? This issue has to be reviewed and put in a proper perspective. Today, people are demanding that MPs should do this and that. At this rate, how will an MP carry on his day-to-day business? He may have to visit six to seven public offices to represent his people. In such a case, what will he do? In my own career as an MP, I once called a meeting with the General Manager, Telephones of my district for the purpose of establishing a new telephone exchange. And I had asked the GM, the BDOs and some other concerned persons at the State level to attend the meeting. But I understood that the GM took great offence that I had called a meeting. I told that if he could not turn up, he can send one of his people as his representative. But nothing happened. This kind of a situation should not be allowed to arise. We are all trying to serve the people. And MPs are not given any office for conducting their business. They work in their residences or party office. They also have to go from office to office to do their work and to rural areas also where there are no telephones. Unless they are given preference and respect and their work is attended to, how can they function? So, the entire gamut should be reviewed by the Parliament or by the Government.

Dr. Madhav Godbole: We will certainly have it reviewed and put it for discussion with the Chief Secretaries.

Mr. Chairman: Will you give us a time frame? Even your Ministry can do it.

Dr. Madhav Godbole: It has to be done jointly by our Ministry and the Ministry of Personnel. We will have to put up the matter to the Cabinet Sub-Committee. There is a procedure for looking into things. Things may not get disposed of at the lower level. We will follow it up, Sir.

Mr. Chairman: How do you react to this case? What do you suggest to see that such a situation does not happen again? You can make your own proposals and send it to the Lok Sabha Secretariat.

Dr. Madhav Godbole: The issue has to be first considered inter-ministerially because the District Magistrate, the police and many other Departments are involved. Actually, this issue comes under the Personnel Department.

Mr. Chairman: Should we have a meeting with the Personnel Secretary as also the Cabinet Secretary? This matter should not be treated lightly.

Dr. Madhav Godbole: What we can do is that we will start a paper on this. We will initiate discussions inter-ministerially and we will give our reaction. Since a whole gamut of issues are involved, you may discuss this with the Cabinet Secretary also.

Shri Amal Datta: I think we should call the Personnel Secretary first to get his view. Then we can call the Cabinet Secretary. That would be more proper.

You are saying that a number of circulars, instructions, etc. are issued in the past. Can you send a copy each of these things? Can you make them available before the Session?

Dr. Madhav Godbole: These are issued by various Departments. We will try to collate them and send it to you as early as possible.

Mr. Chairman: Thank you.

16.05 hrs.

(The witness then withdrew)

The meeting then adjourned

Wednesday, 4th March, 1992

PRESENT

Shri Shiv Charan Mathur — *Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Amal Datta
4. Shri Santosh Kumar Gangwar
5. Shri Anna Joshi
6. Shri Venkata Krishna Reddy Kasu
7. Dr. Debi Prosad Pal
8. Shri Bhagwan Shankar Rawat
9. Shri Allola Indrakaran Reddy
10. Shri Tej Narayan Singh

SECRETARIAT

1. Shri G.L. Batra — *Additional Secretary*
2. Shri T.S. Ahluwalia — *Joint Secretary*
3. Shri S.C. Rastogi — *Under Secretary*

WITNESS

Kumari Frida Topno, MP

(The Committee met at 15.05 hours)

Evidence of Kumari Frida Topno, MP

सभापति महोदय: पिछली बार जब आप कमेटी के सामने पेश हुई थीं तो आपने कहा था कि आप किसी मसले को सोल्व करने के लिए वहां गई थीं और आपको समस्या का हल करने के लिए बुलाया गया था। उसके बाद वहां कुछ घटना हुई, वहां के डी०एस०पी० श्री बिस्वाल ने आपको गिरफ्तार करने का आर्डर दिया था। वे जब वहां एवीडेंस के लिए आये थे तो उन्होंने कहा था कि वह उस एरिया के इंचार्ज नहीं थे और उनको तो वहां के अतिरिक्त एस०पी० ने देखने के लिए भेजा था। उन्होंने यह भी कहा कि अरेस्ट के आर्डर उन्होंने दिये। यह ठीक बात है कि आपको पुलिस स्टेशन में आठ-नौ घंटे रहना पड़ा, उड़ीसा सरकार कहती है कि हमने गिरफ्तार नहीं किया, वे अपनी मर्जी से वहां रहीं। हम यह मानते हैं कि कोई आदमी अपनी मर्जी से वहां रहना पसन्द नहीं करेगा।

आपको वहां रखा गया, गिरफ्तार किया, उसकी सीधी जिम्मेदारी किस पर आती है इसके बारे में हम आपसे जानकारी चाहते थे। आप जब वहां गईं तो घटना 11 बजे हुई थी। आपको बुलाया गया ढाई बजे, उसके बाद करीब छः-सात बजे पुलिस स्टेशन ले जाया गया। आप किस जानकारी के आधार पर कहती हैं कि आपको किस व्यक्ति ने अरेस्ट करने के लिए कहा था।

कुमारी फ्रिडा तोपनो: मैं पहले ही कह चुकी हूं कि जो बिस्वाल थे उन्होंने मुझे कहा था कि हम आपको अरेस्ट कर रहे हैं।

सभापति महोदय: लेकिन उन्होंने कहा है कि मेरे अण्डर में वह एरिया नहीं था। उन्होंने यह भी कहा कि मुझे जांच करने के लिए भी नहीं भेजा गया था, केवल ला एण्ड आर्डर की स्थिति ठीक रहे और झगड़ा न बढ़े इसलिए भेजा गया था।

कुमारी फ्रिडा तोपनो: यह तो मुझे पता नहीं, लेकिन उन्होंने मुझे कहा था।

सभापति महोदय: आपको राइटिंग में अरेस्ट का आर्डर दिया गया था?

कुमारी फ्रिडा तोपनो: जी नहीं, केवल जुबानी कहा था।

सभापति महोदय: उन्होंने कहा कि आपको गिरफ्तार किया जाता है?

कुमारी फ्रिडा तोपनो: उन्होंने कहा और यह भी कहा कि वहां वैन खड़ी है आप सब लोग उसमें चलिये और वे उसमें हमें ले गये।

सभापति महोदय: आप इस बारे में निश्चित हैं कि गिरफ्तार करने वाले वही थे?

कुमारी फ्रिडा तोपनो: जी हां, वही थे।

श्री राम नारायण बैरवा: आपने यह बताया कि श्री आर० के० बिस्वाल ने अरेस्ट किया था। आप क्या महसूस करती हैं कि आपकी गिरफ्तारी का क्या कारण था कि आपको गिरफ्तार करना पड़ा?

कुमारी फ्रिडा तोपनो: गिरफ्तार करने का कोई कारण नहीं था। हम बाहर डिस्कस कर रहे थे और ऐसा कोई प्रोवोकेटिव नहीं किये थे। बाहर हल्ला गुल्ला हो रहा था, उसके बाद वैन में हम लोगों को ले गये और पुलिस स्टेशन में रात भर रखा।

श्री राम नारायण बैरवा: क्या यह महसूस नहीं करतीं कि आपको गिरफ्तार नहीं किया गया बल्कि सुरक्षा की दृष्टि से आपको बाहर ले गये.....

सभापति महोदय: अब यह सवाल नहीं रहा कि गिरफ्तार किया गया, उनको 8 घण्टे डिटेन किया गया, कौन सा आदमी गिरफ्तार करने के लिए गया यह जानने के लिए इनको बुलाया गया। चूंकि ये सीधे इन्वाल्व हैं, उसके बाद वैन में ले जाने की बात हुई तो कौन सा पुलिस आफिसर ले गया?

कुमारी फ्रिडा तोपनो: मुझे पता नहीं क्योंकि बहुत से लोग भरे हुए थे।

श्री तेज नारायण सिंह: इन्होंने पहले की स्टेटमेंट में बताया है कि वैन में कौन ले गये थे।

सभापति महोदय: वैन में कौन आदमी आपको ले गये?

कुमारी फ्रिडा तोपनो: चूंकि रात हो गयी थी कुछ दिखाई नहीं दे रहा था इसलिए यह कहना मुश्किल है कि कौन पुलिस आफिसर था?

श्री संतोष कुमार गंगवार: वैसे तो सारी बात पूछी जा चुकी हैं लेकिन फिर वही बात दोहराना चाहता हूं कि आप किस आदमी को जिम्मेदार समझती हैं? जिसने आपको बंद करने का निर्देश दिया, थाने में इतनी देर तक बैठाये रखा।

कुमारी फ्रिडा तोपनो: मैंने पहले एविडेंस दिया है और कहा है कि एकच्यूली में हम लोगों को सीधे थाने में ले गये, यदि वहां अरेस्ट नहीं करा तो हम लोगों को घर जाकर छोड़ सकते थे।

सभापति महोदय: मैंने कहा कि आप हमें यह बताइए क्योंकि हमें इस निर्णय पर पहुंचना है कि वह कौन सा व्यक्ति है जिसने यह सब काम किया। उसमें कोई गलती न हो जाए इसलिए हमने आपको

यहां बुलाया है। किसी निरपराध को सज़ा नहीं मिलनी चाहिये। मैं समझता हूं कि इससे अधिक प्रश्न पूछने की संभावना नहीं है। मैं समिति के सभी सदस्यों एवं अपनी ओर से आपको धन्यवाद करता हूं।

(इस समय कुमारी फ्रिडा तोपनो कमरे से बाहर चली गयीं)

Monday, 11th May, 1992

PRESENT

Shri Shiv Charan Mathur—*Chairman*

MEMBERS

2. Shri Ram Narain Berwa
3. Shri Ram Sunder Dass
4. Shri Amal Datta
5. Shri Santosh Kumar Gangwar
6. Shri Anna Joshi
7. Shri Venkata Krishna Reddy Kasu
8. Shri Allola Indrakaran Reddy
9. Shri Tej Narayan Singh

SECRETARIAT

1. Shri G.L. Batra—*Additional Secretary*
2. Shri S.C. Rastogi—*Under Secretary*
3. Shri V.K. Sharma—*Assistant Director*

WITNESS

Shri R.K. Biswal, *Deputy Superintendent of Police, Rourkela*

(The Committee met at 15.15 hours)

Evidence of Shri R.K. Biswal, Deputy Superintendent of Police, Rourkela

Mr. Chairman: You have already before the Committee. You need not take oath now. Mr. Biswal, last time you said very categorically that when the Member of Parliament and the other ladies were there inside that campus, something was going on inside. You were sent by SP for overseeing or supervising. I would like to ask you who ordered them to arrest?

Shri R.K. Biswal: In fact, on 2nd November, 1991 after 2.25 PM, soon after the arrival of the hon. Member inside the campus, inside the ST Office, I saw the hon. MP. Thereafter, I took her to the Council Hall where the NAC Officer was there. Thereafter, they sat inside for discussion and thereafter I have no occasion to see the on. Member.

Mr. Chairman: The threat to the law and order was outside.

Shri Biswal: I was outside of the boundary wall of the campus of the ST office. When about 100 Janata Dal people, were there. They were raising slogans. हटाओ, एम पी को हटाओ, निकालो, नहीं तो मारेंगे।

सभापति महोदय: जब वहां आदमी इस तरह से शाउटिंग कर रहे थे, हल्ला कर रहे थे कि बाहर निकालो, ऐसा कह रहे थे, तब आपने क्या उचित समझा, क्या कार्यवाही की।

Shri R. K. Biswal: I was just telling then that everything would be all right. Thereafter, what happened, I cannot say. Also, I cannot say through which way the hon. Member went out from the campus. After 2.25 p.m. I have no occasion to see the hon'ble M.P.

सभापति महोदय: क्या आपका जूनियर आफिसर अरैस्ट का आर्डर दे सकता था?

Shri R. K. Biswal: About lifting of the hon. Member, only the Inspector-in-charge of Sector 7 Police Station can say. I am referring to the incident which took place inside the Council Hall. That area is lying under his jurisdiction of the Inspector-in-charge, who is the officer-in-charge of Sector 7 Police Station.

Mr. Chairman: You are referring to Sector 7 Police Station. Is Mr. Patnaik in-charge of it?

Shri R. K. Biswal: Yes.

Mr. Chairman: Who was the senior-most officer there?

श्री आर० के० बीसवाल: डी० एस० पी०।

सभापति महोदय: वहां पर श्री पटनायक हैं।

Shri R.K. Biswal: He is the Officer in-charge of the Police Station. I have no occasion to meet the hon. Member as well as the Inspector-in-charge Shri Patnaik after 2.25 p.m.

Mr. Chairman: There is no question of meeting the Member of Parliament. The point is that there was a group consisting of about hundred people. They were shouting slogans. You were apprehending the breach of law and order. You were sent by the S.P. for overseeing the situation and see that things are set right. In that position, what was your duty?

Shri R. K. Biswal: I was just obstructing the outsiders who were making their entry inside the campus of NACST to cause harm or to damage or to cause injury to the families as also the hon. Member. I was just preventing them. I cannot say as to why the hon. Member is making allegation against me.

सभापति महोदय: मैंने उनसे पूछा:

"पिछली बार जब आप कमेटी के सामने पेश हुई थीं तो आपने कहा था कि आप किसी मसले को सौल्व करने के लिए वहां गई थीं और आपको समस्या को हल करने के लिए बुलाया गया था। उसके बाद वहां कुछ घटना हुई, वहां के डी० एस० पी० श्री बीसवाल ने आपको गिरफ्तार करने का आर्डर दिया था। वे जब यहां ऐवीडेंस के लिए आए थे तो उन्होंने कहा था कि वे एरिया के इंचार्ज नहीं थे। "और उनको तो वहां के अतिरिक्त एस०पी० ने देखने के लिये भेजा था। उन्होंने यह भी कहा कि अरेस्ट आर्डर उन्होंने नहीं दिये। यह ठीक बात है कि आपको पुलिस स्टेशन में 8-9 घंटे रहना पड़ा, उड़ीसा सरकार कहती है कि हमने गिरफ्तार नहीं किया, वह अपनी मर्जी से वहां रहीं। हम मानते हैं कि कोई आदमी अपनी मर्जी से वहां रहना पसन्द नहीं करेगा। आपको वहाँ रखा गया, गिरफ्तार किया, उसकी सीधी जिम्मेदारी किस पर आती है, इसके बारे में हम आपसे जानकारी चाहते थे। आप वहां जब गईं तो घटना 11 बजे हुई थी। आपको बुलाया गया ढाई बजे, उसके बाद करीब 6-7 बजे पुलिस स्टेशन ले जाया गया। आप किस जानकारी के आधार पर कहती हैं कि आपको किस व्यक्ति ने अरेस्ट करने के लिए कहा था।"

इस पर उन्होंने जवाब दिया:

"मैं पहले ही कह चुकी हूं कि जो बिसवाल थे उन्होंने मुझे कहा था कि हम आपको अरेस्ट कर रहे हैं।"

इस पर मैंने उनसे कहा कि:

"लेकिन उन्होंने कहा है कि मेरे अण्डर में वह एरिया नहीं था। उन्होंने यह भी कहा है कि मुझे जांच करने के लिये भी नहीं भेजा गया था, केवल लॉ एंड आर्डर की स्थिति ठीक रहे और झगड़ा न बढ़े इसलिये भेजा गया था।"

इस पर फ्रिडा तोपनो ने जवाब दिया:

"यह तो मुझे पता नहीं, लेकिन उन्होंने मुझे कहा था"

इस पर मैंने उनसे पूछा कि:

"आपको राइटिंग में अरेस्ट का आर्डर दिया गया था"

उन्होंने जवाब दिया कि:

"जी हां, केवल जुबानी कहा था"

मैंने उनसे कहा कि:

"उन्होंने कहा कि आपको गिरफ्तार किया जाता है"

फ्रिडा तोपनो ने कहा कि:

"उन्होंने कहा और यह भी कहा कि वहां वैन खड़ी है, आप सब लोग उसमें चलिये और वे उसमें हमें ले गये"

मैंने उनसे पूछा कि:

"आप इस बारे में निश्चित हैं कि गिरफ्तार करने वाले वहीं थे"

फ्रिडा तोपनो ने जवाब दिया कि :

"जी हां, वहीं थे"

Shri R. K. Biswal: Sir, it is not correct. I have not arrested the hon. Member of Parliament.

सभापति महोदय: आपकी जानकारी के लिये कहना चाहता हूं कि उन्होंने कहा है कि राइटिंग में आर्डर नहीं दिया है।

Shri R. K. Biswal: It is not a fact that the Hon'ble M.P. was arrested by me. I have no occasion to see the hon. Member of Parliament after 2.25 p.m. Furthermore, that area does not come under my jurisdiction.

Shri Amal Datta: You were posted for law and order duty at least outside the Council Hall. Is that correct?

Shri R. K. Biswal: Yes, Sir.

Shri Amal Datta: You have no jurisdiction in that area. But you were posted there. Is that correct?

Shri R. K. Biswal: Not posted, Sir, I was temporarily deputed.

Shri Amal Datta: At that point of time, if something had gone wrong in the law and order, would you not have exercised your powers as a police officer to arrest somebody?

Shri R. K. Biswal: That is true, Sir. But before my arrival, every illegal thing has been committed inside the NAC hall and thereafter the agitators numbering about 150 gathered outside the campus of the NAC office and I prevented them from entering inside.

Shri Amal Datta: You were there exercising your authority as a police officer even though it was not within your jurisdiction.

Shri R. K. Biswal: That is true.

Mr. Chairman: Being a Senior Officer if something had gone wrong, was it not your duty to set it right?

Shri R. K. Biswal: Sir, I was preventing the agitators from outside, and thereby not allowed them to enter inside the Campus of N.A.C.

Shri Amal Datta: There was nothing to prevent you from exercising your powers though it is not your jurisdiction or giving them orders if you wanted to.

Shri R.K. Biswal: I was protecting the other women from any cause of injury.

Shri Amal Datta: Whether or not you gave the orders, that is not the point. But Shri Biswal, you were time and again saying that you have no

authority, in that area. I am saying that in spite of not having the authority, you were posted there and was it not your duty as a police officer to ensure law and order?

Shri R.K. Biswal: That is true.

Shri Amal Datta: The Chairman has read out the evidence of Kumari Frida Topno, the hon. M.P. and she has again and again asserted that it was you who has given the orders for her arrest. Now you can deny it if you like. But that is her assertion. If you have got anything further to say, you can say.

Shri R.K. Biswal: I will simply say that I have already given my statement before the hon. Committee that it is never a fact that the hon. M.P., was arrested by me.

सभापति महोदय: एक जगह आपने तेजनारायण जी के जवाब में कहा है कि "पुलिस के द्वारा ट्रक पर बैठाकर ले जाया गया" तो उस ट्रक पर कितने लोग थे? आपने कहा कि बाहर झगड़ा होने वाला था और ब्लड शेड होने वाला था।

श्री आर० के० बिस्वाल: यह ठीक बात है।

सभापति महोदय: वहां झगड़ा होने और ब्लड शेड होने की स्थिति को आपने इसमें स्वीकार किया है।

श्री आर० के० बिस्वाल: जी।

सभापति महोदय: हम यह नहीं कह रहे हैं कि आपका एक्सन जस्टीफाइड था या नहीं था. That is a separate quesiton altogether. But when you were sent by your superior officer to oversee a particular situation and since you yourself had seen that there was an apprehension of blood-shed, under those circumstances, was it not your duty, was it not incumbent upon you to take some action like that?

Shri R.K. Biswal: It happens after the arrival of the Janata Dal people.

Mr. Chairman: You are not answering my question. वहां पर आपको यह देखने के लिए भेजा गया था कि वहां झगड़ा नहीं हो और आपने एक जगह यह बात स्वीकार की है कि वहां पर झगड़ा होने वाला था और ब्लड शेड होने वाला था, ऐसी स्थिति थी तो यह स्वाभाविक था कि एक सीनियर आफिसर होने के नाते पर उनको गिरफ्तार करने के लिए कहें।

श्री आर० के० बिस्वाल: बाहर जो आदमी जमा हो गये तो आनरेबिल एम० पी० Hon. MP and other women were there.

Mr. Chairman: It is not the question of only the hon. MP. मैम्बर आफ पार्लियामेंट की आपके खिलाफ कोई इल विल नहीं है लेकिन फैक्चुअल स्थिति क्या है, किसने उनको गिरफ्तार करने के लिए कहा?

Shri R.K. Biswal: I cannot say who had given orders for the arrest of the hon. MP.

सभापति महोदय: आपने खुद स्वीकार किया है कि वहां पर ब्लड शेड होने की स्थिति थी।

श्री आर० के० बिस्वाल: वहां पर भगदड़ हो गई तो इन लोगों ने सोचा कि वहां जाकर मारपीट करेंगे तो उनको वहां भीतर रोक रखा था।

Shri Ram Narain Berwa: Are you not empowered to arrest them?

Mr. Chairman: Are you not empowered to arrest them, if not possibly order for arrest? That is what the hon. Member is asking.

श्री आर० के० बिस्वाल: सिचुएशन देखने के बाद अरैस्ट कर सकते थे।

सभापति महोदय: पिछली बार तेज नारायण जी ने आपसे पूछा है:

> "आपको जानकारी हुई कि कितने लोगों को थाने में ले गये और उनको कब छोड़ा गया और कहां ले गये? आपने कहा मुझे जानकारी नहीं, बाद में पता चला। मैं आफिस में रात 10 बजे तक रहा और मैं सैक्टर 7 में भी नहीं गया था। तब मैंने पूछा—आप यह फोटो देखकर बतायें कि कौन से पुलिस अधिकारी हैं? फिर आपने पहचाना कि ये एम०पी० उपाध्याय हैं। फिर पूछा कि ये काउंसिल हाल में थे? आपने कहा—मुझे पता नहीं। सभापति महोदय—यह सैक्टर 7 में इंचार्ज नहीं हैं तो यहां कैसे बैठे हैं? आपने कहा यह सैक्टर 7 के इंचार्ज नहीं हैं, क्यों बैठे हैं, मुझे मालूम नहीं।"

सैक्टर 7 के इंचार्ज के अलावा भी लोगों को भेजा गया था, उसमें एक उपाध्याय भी थे और आप भी थे?

श्री आर० के० बिस्वाल: मि० उपाध्याय कैसे गये थे, मुझे मालूम नहीं है।

सभापति महोदय: यह जरूरी नहीं है कि सैक्टर का इंचार्ज एस० एच० ओ० को आर्डर दे एक जोइण्ट अफिसर की तरफ से क्योंकि सिचुएशन बिगड़ रही थी और ऐसा मालूम हो रहा था तो आपको और दूसरे आफिसर को भेजा गया।

सभापति महोदय: क्या उसमें श्री उपाध्याय भी थे?

श्री आर० के० बिस्वाल: उपाध्याय उस में नहीं थे।

सभापति महोदय: वे कहां थे?

श्री आर० के० बिस्वाल: थाने में देखे थे। मुझे तो मालूम नहीं है, कैसे गए थे।

श्री राम सुन्दर दास: आप अधिकृत थे, आप अरैस्ट के आर्डर दे सकते थे, स्थिति बिगड़ने की स्थिति में क्या आपको अधिकार था कि आप अरैस्ट के आर्डर दे सकते थे?

श्री आर० के० बिस्वाल: किस को?

श्री राम सुन्दर दास: आपने कहा था ब्लडशेड होने की आशंका थी?

श्री आर० के० बिस्वाल: ये लोग चले गए थे?

श्री राम सुन्दर दास: गए तो आपके सामने थे। बस में आपके सामने भेजा था।

श्री आर० के० बिस्वाल: ये वहां पर हल्ला-गुल्ला कर रहे थे।

श्री राम सुन्दर दास: क्या पत्थर फैंक रहे थे?

श्री आर० के० बिस्वाल: नहीं, उनको देख रहा था कि ये लोग क्या कर रहे हैं।

श्री राम सुन्दर दास: छः बजे गिरफ्तार करके ले गए।

श्री आर० के० बिस्वाल: ये लोग गए, मुझे मालूम नहीं है।

सभापति महोदय: गिरफ्तार करने की बात तो सरकार कर रही है।

श्री राम सुन्दर दास: आपको डैप्यूट किया गया था। जहां यह घटना हुई थी, वहां पर डम्प पी साहब ने आपको डैप्यूट किया था?

श्री आर० के० बिस्वाल: हां, साहब।

श्री राम सुन्दर दास: आप सीनियर हैं या एस०आई० वहां सीनियर आफिसर थे?

श्री आर० के० बिस्वाल: मैं था।

श्री राम सुन्दर दास: वहां जब स्थिति बिगड़ गई, तो आपके रहते हुए जूनियर आफिसर अरैस्ट के आर्डर कर रहा है।

श्री आर० के० बिस्वाल: जो कुछ भी किया होगा।

श्री राम सुन्दर दास: आप सीनियर आफिसर डैप्यूट किए थे। वहां स्थिति खराब होने वाली थी। जूनियर आफिसर, सब-इन्सपैक्टर पुलिस वहां था। जूनियर आफिसर बिना आपको फॉलो किए कैसे अरैस्ट कर रहा है?

श्री आर० के० बिस्वाल: स्थिति ऐसी हो गई। उस में डिसटैंस हो गया। मैं रोड के बाहर रह गया और इन्सपैक्टर इनसाइड रह गया। अंदर क्या किया, लेकिन हमने तो बाहर के लोगों को अन्दर नहीं घुसने दिया।

श्री राम सुन्दर दास: ऐसा कभी होता है, सीनियर आफिसर के रहते हुए जूनियर आफिसर गिरफ्तारी करे?

श्री आर० के० बिस्वाल: होता है।

श्री राम सुन्दर दास: कहीं नहीं होता है। आपको किसलिए भेजा गया था?

श्री आर० के० बिस्वाल: लॉ एंड आर्डर को न बिगड़ने के लिए भेजा गया।

श्री राम सुन्दर दास: जो गिरफ्तारी हुई, उसकी जानकारी नहीं है?

श्री आर० के० बिस्वील: इनसाइड डिसटैंस हो गया।

श्री राम सुन्दर दास: कौन यकीन करेगा, आपकी हाजिरी में, जब आप वहां थे, बिना आपके आर्डर के एस० आई० गिरफ्तार करके ले गए।

श्री राम नारायण बेरवा: लॉ एंड आर्डर मेंटेन करने के लिए पुलिस आफिसर को एक्शन लेना पड़ता है।

Shri R.K. Biswal: If I could allow them to enter inside the NAC (ST) campus they must have committed some illegal act. It was perfectly managed by me.

Mr. Chairman: People shouted slogans outside.

Shri R.K. Biswal: I prevented them from entering to the campus of NAC. (S.T.)

Mr. Chairman: By arresting somebody, you are not committing an offence. In order to maintain law and order, will it not be expedient to remove those persons from the scene?

Shri R.K. Biswal: I have not arrested any one. First, I prevented them from entering inside. How this Member was arrested, I cannot say; I had no occasion to see.

Shri Ram Narain Berwa: What does section 151 IPC deal with?

Shri R.K. Biswal: It deals with designs to commit cognizable offences.

Shri Ram Narain Berwa: Why are you taking shelter under Section 149?

Shri R.K. Biswal: It pertains to interpose to avoid commission of cognizable offences. The Police has no jurisdiction to take action in the case of non-cognizable offences.

सभापति महोदय: आप एक बात बताइए कि जब यह प्रीविलेज मोशन यहां पर आया, उसके बाद आफिसरों को बुलाया आपने अपने सुपरिटेंडेंट आफिसर को इस घटना के सम्बन्ध में क्या रिपोर्ट भेजी, उन्होंने आपसे कुछ रिपोर्ट मांगी होगी तो आपने क्या रिपोर्ट भेजी?

Shri Ram Narain Berwa: Do you not report to your senior officer?

Shri R.K. Biswal: I have not sent any report.

Mr. Chairman: How is it possible? You were sent there by the S.P. What action did you take?

Shri R.K. Biswal: I have reported tothe S.P.verbally and the Officer in charge of the Police Station has submitted his report.

Mr. Chairman: What did he report?

Shri R.K. Biswal: I cannot say because the same was submitted to S.P.

Mr. Chairman: It is something unbecoming of an officer. You were sent there and then, you say you did not send any report! You were sent there for a particular type of job to be performed. Is it not? After this incident took place, and this matter had been referred to the Privileges Committee of Lok Sabha, all the officers had been called here. Your Chief Secretary was also one among them. Did any of your superior officers talk to you about this incident?

Shri R.K. Biswal: The officer-in-charge of Sector 7 had submitted a report because the incident took place in his own jurisdiction.

Mr. Chairman: That means, you did not send a report. Did you inform about this to your S.P. orally?

Shri R.K. Biswal: Verbally I had reported to him.

I was deputed to maintain law and order. After my arrival I found that the office was ransacked.

Mr. Chairman: After this matter had been referred to the Privileges Committee, all the officers had been called here. Did you meet anybody after that incident and discuss this?

Shri R.K. Biswal: No.

Mr. Chairman: How is that possible? How does S.P. know about this? He was not present on the spot. For replying to the Government of Orissa, he must have made some enquiries about this.

Shri R.K. Biswal: I cannot say about that. That is an official procedure. On the first occasion, he asked everything from me. He also received a report in writing from the officer-in-charge of the police station. I had told him verbally and but I had not submitted anything in writing to him.

Two hundred twenty five hon. Members of Parliament arrived. There after, they went inside for discussions.

Shri R.K. Biswal: If the hon. Members are bringing allegations against me, I am sorry for that, Sir.

(The witness then withdrews)

APPENDICES

APPENDIX I

(*See* para 14 of the Report)

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X 0817 R 3 ROURKELA 03 42

HONBLE SPEAKER

SRI SHIVRAJ PATIC+SHIVAJI PATIL

AKBER ROAD

NEW DELHI

= MISS FRIDA TOPNO CONG M P FROM SUNDARGARH (ORISSA) GOT ARRESTED

BY ROURKELA POLICE ADMN AT 4.30 PM ON 2.11.91 KINDLY INTERVENE IMMEDIATELY MATTER IS SERIOUS

SMITADAS P A

COD 3 430 2 11 91

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APPENDIX II

(*See* para 16 of the Report)

Kum. FRIDA TOPNO
Member of Parliament
(Lok Sabha)

2, Mahadev Road
New Delhi-110001
Phone: 3718245

G/40, Sector 2,
Rourkela, Sundargarh
Orissa,
Phone: 5585
Date: 10.11.91

Respected Sir,

On 2nd Nov. 90 I had gone to the office of the Executive Officer Notified Area Council (Steel Township), Rourkela alongwith some hundred fifty ladies and 100 men for a discussion regarding certain problems pertaining to Sarla Mahila Samiti. While the discussion was going on in presence of Police Officer in-charge of Sector 7 Police Station, suddenly a group of Janata Dal hooligans using very abusive language against me and the ladies, forcibly entered the conference hall and took away the Executive Officer. When we came out of the conference hall these Janata Dal goondas started throwing stones on us and demanded my arrest. The DSP Mr. R.K. Biswal on duty then arrested me. All 150 ladies and about 100 men were also arrested. The Police detained me and the ladies in the police station from 6.30 P.M. to 5.00 A.M. No police officials such as DIG, or SP Police Rourkela or the civil administration such as Collector or ADM visited the police station. I told the Collector about my arrest at 12.30 A.M. who was in the Circuit House hardly 2 Kms. from the police station but he did not come to the police station.

I would, therefore, request you to kindly allow me to make my statement on the floor of the Lok Sabha on the 20th Nov. 91. I also request you to refer the issue to the Privileges Committee of the House.

With best regards,

Yours sincerely,

Sd.
10.11.91
(FRIDA TOPNO)

Shri Shivraj Patil
Hon'ble Speaker, Lok Sabha
NEW DELHI

NB— A Photostat copy of my letter addressed to Collector Sundargarh written by me at the police station at 2 A.M. and received by the officer in-charge Sector 7 police station at 2.30 A.M. in support of arrest and detention is attached.

Received the original
for handing over to
Collector.
Sd./3.11.91
2.30 A.M.

Collector
Sundargarh

Sector 7 Police Station
Date: 3.11.91
2 A.M.

Sub: Protest Letter.

Sir

With reference to my telephonic talk with you, I am to state that while I was discussing with the Executive Officer NAC(ST) alongwith the members of Sarla Mahila Samiti some employees of NAC forcibly entered the hall and pulled executive officer out of the hall. In the meantime some Janata people entered the NAC premises and created law and order problem. The DSP on duty told me that I was arrested and asked me and my supporters to get into the police van.

We were brought to Sector 7 police station and were kept in the police station throughout the night. I am surprised, when I am in the police station alongwith some hundred ladies no administrative officer of Rourkela could come to the police station to discuss the issue with us. When I was brought by police van, why no step was taken to release me and my fellow ladies.

I draw your immediate attention in this matter.

N.B.— When I was brought to the police station, the Janata Dal supporters even came to the Police Station and were using very filthy language. We have given one FIR in this matter.

With regards,

Yours sincerely,

Sd./- 3.11.91
(FRIDA TOPNO)

APPENDIX III

(*See* para 17 of the Report)

(Extracts from L.S. Deb., dt. 22.11.91, pp. 963-65)

Kumari Frida Topno (Sundargarh): Sir, I was arrested....

Mr. Speaker: Madam, I have received your notice of privilege motion. I have to find out the facts. I am looking into it. You had a discussion with the Secretary-General also. Please do not raise it now. After we get the facts, we will deal with it.

* * * *

Mr. Speaker: You don't have to mention about the letters written to me. Please follow the rules.

* * * *

Kumari Frida Topno: Sir, I may also kindly be allowed to speak.

Mr. Speaker: I have called for the information.

(Interruptions)

Shri K.P. Singh Deo (Dhenkanal): Sir, it is a serious matter. She was arrested and police have not intimated. She may please be allowed to make a statement.

Mr. Speaker: I have called for the information.

(Interruptions)

Mr. Speaker: I cannot just take decision without information.

(Interruptions)

Mr. Speaker: Please take your seats.

(Interruptions)

Mr. Speaker: Now, the hon. members who are speaking on behalf of the member probably do not know the fact. You have received the facts only when you were sitting with the lady member on the bench. The letter which she has written to me is in my possession. I have read the letter and I shall have to take a decision as to whether it constitutes a breach of privilege or not only after getting the information. I will be the first person to protect the privilege of the members. As I am having some doubt about it, I have called for the information. I will take a decision after I receive the facts.

APPENDIX IV

(See para 18 of the Report)

(Abstract from L.S. Deb., dt. 12.12.1991)
Uncorrected/Not for publication

N-4/12.12.91/KVJ 9525

Kumari Frida Topno (Sundargarh): Sir, on the request of the Executive Officer of NAC (ST)-I had gone to his office on 2.11.1991 at 2.30 P.M. for a discussion pertaining to the change of the President of Sarla Mahila Samiti of Timber Colony, Rourkela. While the discussion was going on, some twenty hooligans forcibly entered the hall, misbehaved with the ladies and used filthy language against me and the ladies. They took away the Executive Officer.

Suddenly, some more hooligans came at the gate and started throwing stones on us. They created law and order problem and demanded my arrest. Some 150 ladies and 100 men were arrested with me by Shri R.K. Biswal, DSP on duty. We were taken in a police van to Sector 7 Police Station at 6.30 P.M. and were detained there till 4.30 A.M. of 3.11.1991. It was raining throughout the night and we were kept sitting on the varandah of the police station. The District Civil and Police administration did not care to come to the police station to solve the problem. The District Magistrate who was camping at Rourkela also did not come to the police station.

Sir, in this august House, I appeal to you to refer the matter to the Privileges Committee of this House and request that necessary action may be taken immediately against the officials responsible for such an incident, which is uncalled for.

* * *

Mr. Speaker: Please take your seats. This was a matter which was brought to my notice. I had asked for the explanation on 8.11.91. Reminders were sent on 15.11.91, 19.11.91, 22.11.91 and 25.11.91. Then, the show cause notice as to why the privileges notice should not be admitted was given on 27.11.91 and on 29.11.91.

Again there were letters sent on 6.12.91 and again on 12.12.91.

In spite of so many letters, nothing has been done. That is why, I am referring this matter to the Privileges Committee for taking stringent action...

* * *

Mr. Speaker: I am saying that I am fully one with your views. At the

same time, I am referring this matter to the Privileges Committee and I will request the Privileges Committee to submit the report in the shortest time. And if the Privileges Committee comes to the conclusion that there is some mistake—real mistake—then we would take stringent action on it.

But, at the same time, let us find out what she has to say and it is the last chance; nothing more than that. We should not appear to be doing something at the back of anybody. This would be the last chance.

APPENDIX V

(See para 64 of the Report)

No. 11013/2/92-Estt. (A)

GOVERNMENT OF INDIA

MINISTERY OF PERSONNEL, PG & PENSIONS,
DEPARTMENT OF PERSONNEL & TRAINING

New Delhi, dated the March 92.

SUBJECT: *Official dealings between the Administration and Members of Parliament and State Legislatures—Observance of Proper Procedure—instructions reg.*

The undersigned is directed to refer to Department of Personnel & A.R.O.M. No. 25/19/64-Ests. (A) dated 8th Nov., 1974 (copy enclosed) wherein broad guidelines were laid down to govern official dealings between the Administration and the Members of Parliament and State Legislatures. These guidelines were recirculated on 23.6.1988 and again on 23.4.91 with the request to bring these instructions to the notice of all concerned for strict compliance.

2. It has been noted that of late there have been cases where due and proper courtesy was not shown to MPs/MLAs, thereby inviting adverse comments. There is, therefore, need for ensuring that proper courtesy is always shown to the members of Parliament/State Legislatures. Therefore, it is once again reiterated that Ministries/Departments should ensure that the guidelines contained in the O.M. dated 8th November, 1974 are observed strictly at all levels.

3. It has further been noted that references from Committees of Parliament were not being attended to promptly. It has, therefore, been decided that all such references should be attended to promptly and should not be passed on routinely down the line Ministries/Departments should immediately identify a senior officer at the level of Joint Secretary or equivalent who should be charged with the responsibility of ensuring that the references are attended to promptly.

4. As regards treatment of letters received from members of Parliament/ State Legislatures, attention is invited to the following para contained in the instruction issued by the Government of India in 1974 (referred to in para 1 above).

> "7. Letters received from members of Parliament and of State Legislatures should be acknowledged promptly. All such letters should receive careful consideration and should be responded to at an appropriate level and expeditiously. The Officers should furnish to

members of Parliament and of State Legislatures when asked for, such information or statistics relating to matters of local importance as are readily available and are not confidential. In doubtful cases instructions should be taken from a higher authority before refusing request."

5. It has also been decided that Ministries/Departments should issue instructions to ensure that in a public function organised by any of its offices in any part of the country, the members of Parliament/State Legislatures of the area are invariably invited and entry passes wherever necessary, are sent to them in advance to avoid any inconvenience to them in this regard.

6. Ministries/Departments may also ensure that while addressing communications to the Members of Parliament, proper protocol conforming to their position in the Warrant of Precedence (copy enclosed) should be observed. In all official correspondence, where the name of an MP is to appear alongwith others, the name should be listed according to the position assigned to the MPs in the Warrant of Precedence. Care should also be taken to address each of them as Member of Parliament (or MP) and not as Member of Lok Sabha or Member of Rajya Sabha. If it is desired to be more specific about the House to which they belong they may be addressed as Member of Parliament or MP (Lok Sabha)/(Rajya Sabha).

7. With a view to ensuring that these instructions are scrupulously followed by all concerned, it is necessary, that these instructions are made available to all the offices preferably in local languages.

8. It may please be ensured that these instructions are followed by all concerned in letter and spirit. It may also be emphasised on all concerned that a serious note will be taken of any violation of these instructions.

(M.S. BALI)
Deputy Secy. to the Govt. of India

To

(i) All Ministries/Departments of Govt. of India with usual number of spare copies.

(ii) C&AG of India

(iii) UPSC/SSC/LBSNAA/ISTM/CVC/CBI

(iv) Chief Secretaries of all States & UTs

(v) Lok Sabha Secretariat/Rajya Sabha Secretariat

WARRANT OF PRECEDENCE

PRESIDENT'S SECRETARIAT

New Delhi, the 26th July, 1979

No. 33-Pres/79—In supersession of all previous notifications issued on the subject. The following Table, with respect to the rank and precedence of the persons named therein which has been approved by the President, is published for general information:—

1. President.
2. Vice President.
3. Prime Minister.
4. Governors of States within their respective States.
5. Former Presidents.
6. Chief Justice of India.
   Speaker of the Lok Sabha.
7. Cabinet Ministers of the Union.
   Cheif Ministers of States within their respective States.
   Deputy Chairman, Planning Commission.
   Leaders of Opposition in the Rajya Sabha and the Lok Sabha.

7A. Holders of the Bharat Ratna Decoration.

8. Ambassadors Extraordinary and Plenipotentiary and High Commissioners of Commonwealth countries accredited to India.
   Chief Ministers of States outside their respective States.
   Governors of States outside their respective States.
9. Judges of the Supreme Court.
10. Deputy Chairman, Rajya Sabha.
    Deputy Chief Ministers of States.
    Deputy Speaker, Lok Sabha.
    Members of the Planning Commission.
    Ministers of State of the Union and any other Minister in the Ministry of Defence for defence matters.
11. Attorney General of India.
    Cabinet Secretary.
    Comptroller and Auditor-General of India.
    Lieutinant Governors within their respective Union Territories.
12. Chiefs of Staff holding the rank of full General or equivalent rank.
13. Envoys Extraordinary and Ministers Plenipotentiary accredited to India.
14. Chairman and Speakers of State Legislatures within their respective States.
    Chief Justice of High Courts within their respective Jurisdiction.
15. Cabinet Ministers in States within their respective States.

Chief Ministers of Union Territories and Chief Executive Councillor, Delhi, within their respective Union Territories.
Deputy Ministers of Union.

16. Chief of Staff holding the rank of General or equivalent rank.
17. Chairman, Minorities Commission.
Chairman, Scheduled Castes and Scheduled Tribes Commission.
Chairman, Union Public Service Commission.
Chief Election Commissioner.
Chief Justices of High Courts outside their respective Jurisdictions.
Judges of High Courts within their respective Jurisdictions.
18. Cabinet Ministers in States outside their respective States.
Chairman and Speakers of State Legislatures outside their respective States.
Chairman, Monopolies and Restrictive Trade Practices Commission.
Deputy Chairman and Deputy Speakers of States Legislatures within their respective States.
Ministers of State in States within their respective States.
Ministers of Union Territories and Executive Councillors, Delhi, within their respective Union Territories.
Speakers of Legislative Assemblies in Union Territories and Chairman of Delhi Metropolitan Council within their respective Union Territories.
19. Chief Commissioner of Union Territories not having Councils of Ministers, within their respective Union Territories.
Deputy Ministers in States within their respective States.
Deputy Speakers of Legislative Assemblies in Union Territories and Deputy Chairman of Metropolitan Council Delhi, within their respective Union Territories.
20. Deputy Chairman and Deputy Speakers of State Legislatures, outside their respective States.
Ministers of State in States, outside their respective States.
Puisne Judges of High Courts outside their respective Jurisdictions.
21. Members of Parliament.
22. Deputy Ministers in States outside their respective States.
23. Army Commanders/Vice Chief of the Army Staff or equivalent in other Services.
Chief Secretaries to State Governments within their respective States.
Commissioner for Linguistic Minorities.
Commissioner for Scheduled Castes and Scheduled Tribes.
Members, Minorities Commission.
Members, Scheduled Castes and Scheduled Tribes Commission.
Officers of the rank of full General or equivalent rank.
Secretaries to the Government of India (including officers holding this office ex-officio).
Secretary, Minorities Commission.

Secretary, Scheduled Castes and Scheduled Tribes Commission.
Secretary to the President.
Secretary to the Prime Minister.
Secretary, Rajya Sabha, Lok Sabha.
Solicitor General.

24. Officers of the rank of Lieutenant General or equivalent rank.

25. Additional Secretaries to the Government of India.
Additional Solicitor General.
Advocate Generals of States.
Chairman, Tariff Commission.
Charge d' Affairs and Acting High Commissioners a pied and ad interim.
Chief Ministers of Union Territories and Chief Executive Councillor, Delhi, outside their respective Union Territories..
Chief Secretaries of States Government outside their respective States.
Deputy Comptroller and Auditor General.
Deputy Speakers of Legislative Assemblies in Union Territories and Deputy Chairman, Delhi Metropolitan Council, outside their respective Union Territories.
Director, Central Bureau of Investigation.
Director General, Border Security Force.
Director General, Central Reserve Police.
Director, Intelligence Bureau.
Lieutenant Governors outside their respective Union Territories.
Members, Monopolies and Restrictive Trade Practices Commission.
Members, Union Public Service Commission.
Ministers of Union Territories and Executive Councillor, Delhi, outside their respective Union Territories.
Principal Staff Officers of the Armed Forces of the Rank of Major General or equivalent rank.
Speakers of Legislative Assemblies in Union Territories and Chairman of Delhi, Metropolitan Council, outside their respective Union Territories.

26. Joint Secretaries to the Government of India and officers of equivalent rank.
Officers of the rank of Major-General or equivalent rank.

Note 1. The order in this Table of Precedence is meant for State and ceremonial occasions and has no application in the day-to-day business of Government.

Note 2. Persons in the Table of Precedence will take rank in order of the number of the articles. The entries in the same article are arranged alphabetically. Those included in the same article will take precedence *inter se* according to date of entry into that article. However, where the dignitaries of different States and Union Territories included in the same article are present at a

function outside their States or Union Territories and there is difficulty in ascertaining their dates of entry, they may be assigned precedence *inter se* in the alphabetical order of the name of States and Union Territories concerned after those whose precedence is determined according to date of entry into that article.

Note 3. In Article 7, the Chief Minister concerned will take precedence over the Cabinet Minister (s) of the Union in official functions held in the State.

Note 4. In Article 8—

(a) Ambassadors Extraordinary and Plenipotentiary and High Commissioner of Commonwealth countries accredited to India will en bloc rank above Governors of State outside their respective States;

(b) Governors of States outside their respective States will en bloc rank above Chief Ministers of States outside their respective States.

Note 5. The Ministry of External Affairs may assign appropriate ranks to foreign dignitaries and Indian Ambassadors, High Commissioners and Ministers Plenipotentiary during their visit to India.

Note 6. In Article 10, the Deputy Chief Ministers of States outside their respective States will always rank below all other dignitaries figuring in this article.

Note 7. The Chairmen of State Legislative Councils will rank above the Speakers of Legislative Assemblies in cases where they were elected on the same date.

Note 8. When Members of Parliament are invited en bloc to major State functions, the enclosures reserved for them should be next to the Chief Justice, Speaker of the Lok Sabha, Ambassadors etc.

Note 9. Speakers of Legislative Assemblies in Union Territories and Chairman of the Delhi Metropolitan Council, Delhi, will take precedence over Ministers and Executive Councillors, included in the same article.

Note 10. In Article 23—

(a) Secretaries in the Ministry of External Affairs other than the foreign Secretary between themselves, will take precedence in the order of their seniority in Grade I of the Indian Foreign Service and both of them will take precedence after the Foreign Secretary;

(b) Members of the Minorities Commission and the Scheduled Castes and Scheduled Tribes Commission will always take precedence over the Secretaries of these Commissions;

(c) In official functions held at Delhi/New Delhi, Army Commanders/Vice Chief of the Army Staff or equivalent in other

Services will always rank after Secretaries to the Government of India.

Note 11. In Article 25—

(a) Additional Secretaries in the Ministry of External Affairs among themselves will take precedence in the order of their seniority in Grade II of the Indian Foreign Service;

(b) Additional Solicitor General will take precedence above the advocate Generals of States;

(c) Lieutenant Governors will take precedence over the Chief Ministers and Chief Executive Councillor, Delhi, and the latter will take precedence over Speakers of Legislative Assemblies and Chairman, Metropolitan Council, Delhi;

(d) Deputy Speakers of Legislative Assemblies of Union Territories and Deputy Chairman of Delhi Metropolitan Council will take precedence after Ministers of Union Territories and Executive Councillors, Delhi.

Note 12. For the purpose of Article 26, the posts equivalent to the posts of Joint Secretaries to the Government of India will be determined by the Ministry of Home Affairs.

K.C. MADAPPA,
Secretary to the President.